



Department for

Infrastructure

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Bonneagair

Depairtment fur

Infrastructure

www.infrastructure-ni.gov.uk

PUBLIC CONSULTATION

REVIEW OF PERMITTED DEVELOPMENT RIGHTS

- **Development by Electronic Communications Code Operators (Mobile Telecommunications)**

Date: October 2026



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Responding to this consultation document

How to Respond

The Department for Infrastructure would like to invite views from the public and stakeholders on potential changes to The Planning (General Permitted Development) Order (Northern Ireland) 2015 as set out in this document.

Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

Responses can be submitted to the Department no later than 5pm on 23 December 2026 in one of the following ways:

1. Where possible online via Citizen Space:

[Review of Permitted Development Rights - Development by Electronic Communications Code Operators \(Mobile Telecommunications\) - NI Direct - Citizen Space](#)

2. By e-mail to:

Legislation.planning@infrastructure-ni.gov.uk

3. By post to:

Public Consultation
Review of Permitted Development Rights - Mobile Telecommunications
Regional Planning Governance and Legislation
3rd Floor, James House
2-4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

Copies in other languages and formats, (including Braille, large print etc.), can be made available on request. If it would assist you to access this document

in an alternative format or language other than English, please contact us using the e-mail or postal address below or by calling 0300 200 7830.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should also be directed to the postal or e-mail addresses above.

An Easy Read version of this document is available on request.

Freedom of Information Act 2000 - Confidentiality of Responses

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

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For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screenings and an Initial Preliminary Regulatory Impact Assessment have been undertaken and are available to view or download from the Department's website.

The Department believes that there would be no differential impact in rural areas or on rural communities. It also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

Purpose of the consultation

1. The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO)¹ sets out types of development which can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor building works that have minimal impact to amenity and the environment. In most cases permitted development rights are subject to conditions and limitations specified in the GPDO. Proposed developments that do not fall within the scope of permitted development rights including any conditions, must be the subject of a planning application.
- 1.1 This consultation document forms part of the continuing review of permitted development rights being undertaken by the Department of Infrastructure. Part 18 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015, as amended makes provisions for Development by Electronic Communications Code Operators. The Department is seeking your views on a range of proposals in relation to permitted development rights for Development by Electronic Communications Code Operators.
- 1.2 The Department is continuing its review of permitted development rights in light of its approach to improved regulation. This is intended to provide a considered balance between reducing the regulatory burden on businesses and individuals (as well as reducing any associated costs) whilst at the same time providing sufficient regulation for the protection of the environment, amenity and public safety.

¹ [The Planning \(General Permitted Development\) Order \(Northern Ireland\) 2015](#)

Article 4 Directions

- 1.3 Directions made under Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 restricting permitted development can be used by planning authorities to remove specific permitted development rights in specific areas.
- 1.4 Although Article 4 powers have been infrequently used in Northern Ireland, it is important to highlight that the option of issuing an Article 4 direction is available to each council as the local planning authority should they wish to restrict particular development in a specified geographical location. Elsewhere in the UK they have been most regularly applied to add extra protection for conservation areas or to protect the setting of a listed building.

Development by Electronic Communications Code Operators

- 2.1 Part 18 of the Schedule to the Planning (General Permitted Development) Order 2015 currently provides permitted development rights for Electronic Communications Code Operators who operate in the UK e.g. VodafoneThree, EE and Virgin Media O2, subject to a number of limitations and conditions. Although the position in England, Scotland and Wales varies from one to another it is apparent that the current system of permitted development rights for network operators in the North is the most restrictive.
- 2.2 The mobile network operators (MNOs) are currently implementing multi-year investment strategies to transition from 5G non-standalone to 5G Standalone (5G SA) Infrastructure. This shift is designed to increase network capacity and support industrial and consumer applications through dedicated 5G core technology.

2.3 Improving our digital infrastructure is vital to the Norths economy. Planning has a crucial role to play in supporting delivery of this infrastructure and facilitating appropriate proposals which deliver a high level of digital connectivity whilst ensuring the provision of such infrastructure is sited and designed to keep environmental impacts to a minimum. The Department is committed to removing unnecessary legislative requirements to lighten the regulatory burden where appropriate and is therefore seeking views on proposals in relation to permitted development rights for telecommunications network development for:-

- New ground based masts;
- Existing ground based masts and other apparatus;
- Apparatus mounted on buildings; and
- Emergency period

2.4 Existing requirements under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) (“the Electronic Communications Code Regulations”)² remain. These Regulations, which apply across the whole of the UK, set out specific restrictions and conditions to which code operators are subject, relating to such matters as the installation of lines and electronic communications apparatus, the use of conduits and the maintenance and safety of apparatus. This in effect requires all electronic communications code operators to give the planning authority notice stating their intention to install electronic communications apparatus, describing the apparatus and identifying the proposed location.

2.5 The proposals set out in this consultation document take cognisance of the particular needs associated with a range of sensitive areas. The approach to accommodating permitted development rights in such circumstances is set out in paragraphs 2.38 – 2.40 on Sensitive Areas.

² [The Electronic Communications Code \(Conditions and Restrictions\) Regulations 2003](#)

Question 1: *From the list below, please select the category of respondent most appropriate to you:*

Business and development interests ☐

Resident/Community groups/Voluntary organisations ☐

Environment and heritage groups ☐

Political party/Elected representative ☐

Council ☐

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Individual ☐

Other ☐

Please provide your organisation's name:

New Ground Based Masts

- 2.6 At present, the installation of a new telecommunications ground based mast in the North generally require a formal application for planning permission. Such applications are subject to the normal planning process, including public notification, consultation with relevant consultees and determination by the local planning authority under the Planning Act (Northern Ireland) 2011³ and the Planning (General Permitted Development) Order (Northern Ireland) 2015.
- 2.7 The position differs in England, Scotland and Wales, where telecommunications operators benefit from more extensive permitted development rights designed to facilitate the deployment and upgrading of digital communications infrastructure, including 4G and 5G networks.
- 2.8 A proposal is to extend permitted development rights to include new ground based masts up to 30 metres in height and located outside designated areas. The permitted development right will be subject to a prior approval procedure (see paragraphs 2.11 – 2.20).
- 2.9 The introduction of a new permitted development right for the construction of telecommunications masts, subject to a prior approval process, would support the timely deployment of modern digital infrastructure while maintaining appropriate planning oversight. Mobile network operators require new masts to improve network coverage, increase capacity and facilitate the rollout of advanced technologies such as 4G and 5G, particularly in areas where existing infrastructure cannot meet demand.

³ [Planning Act \(Northern Ireland\) 2011](#)

PROPOSAL

- 2.10 The proposal is to introduce a new permitted development right for a ground based mast up to 30 metres in height above ground level, located outside designated areas and subject to prior approval process (see Annex A draft **Part 18 – A.1 (e) and (f)**).

Question 2: *Do you agree with the above proposal to introduce a new Permitted Development Right for the construction or installation of a new ground based mast up to 30 metres, located outside designated areas and subject to prior approval?*

Please respond: Yes / No

Please provide additional information in support of your answer:

Prior Approval

- 2.11 Currently there is limited requirement to give prior notification for any permitted development in the planning system.
- 2.12 A proposal is that all new ground based masts that fall under the proposed permitted development rights, will be subject to a prior approval process.
- 2.13 The prior approval process is common place in permitted development rights in England, Scotland and Wales. This allows certain development to be facilitated while allowing planning authorities to consider specified local impacts rather than requiring a full planning application in all cases.
- 2.14 Prior approval is a statutory procedure under planning legislation whereby certain forms of development are granted planning permission through permitted development rights. In such cases, a developer must notify the Council of the proposed development, provide the required supporting information, and pay the applicable fee in order to enable the Council to consider and determine the specific matters prescribed by the relevant permitted development legislation before development can proceed.
- 2.15 The council's determination will be confined to the specific matters prescribed within the relevant draft Permitted Development Rights class, which are siting and appearance. In contrast to a full planning application, the scope of assessment is limited to these prescribed matters only, resulting in a more streamlined and proportionate decision-making process.
- 2.16 The Department proposes to follow the Scottish procedures, that councils will have 56 days beginning with the date of receipt of a valid application to give the developer its decision as to whether prior

approval is required and, where it is required, whether it is granted. The Council and the developer may agree to extend this period beyond 56 days.

- 2.17 In considering the application, the Council will assess the proposal against the matters prescribed in the relevant legislation and may either grant or refuse prior approval. Where the Council determines that the proposal would give rise to unacceptable impacts in respect of the matters under consideration, it has the power to decline or refuse prior approval, in which case the development cannot proceed under the permitted development rights and a full planning application may be required.
- 2.18 A prior approval process would enable planning authorities to consider key siting and design matters, including visual impact, appearance and effects on local amenity, while avoiding the delays and administrative burden associated with a full planning application.
- 2.19 This balanced approach would help accelerate investment opportunities in telecommunications infrastructure, encourage economic growth and digital inclusion, and align Northern Ireland with the regulatory framework already operating across other parts of the UK.
- 2.20 In the interests of recovering public costs and improving efficiency within the planning system, the Department is seeking views on whether a fee should be introduced for applications (under Part 18 of the Schedule) that are subject to the prior approval process and, if so, the appropriate level at which such a fee should be set.

PROPOSAL

2.21 The proposal is to introduce a prior approval procedure as set out in Annex A draft **Part 18 A.2 paragraphs 11 and 12.**

Question 3: *Do you agree with the proposed procedures for the prior approval process?*

Please respond: Yes / No

Please provide additional information in support of your answer:

Question 4: *Do you consider that a fee should be charged for Part 18 prior approval applications? If so, what level of fee would you consider appropriate?*

Please respond: Yes / No

Please provide additional information in support of your answer:

Existing ground based masts and other apparatus

- 2.22 The current permitted development rights for existing masts are considered too limiting in relation to the installation of additional new equipment which may require greater separation distances in order to avoid interference and operate more efficiently.
- 2.23 The transition to 5G technology and the emphasis on site sharing necessitate taller structures than previous mobile generations. 5G sites emit at higher frequencies which are more easily obstructed by barriers e.g. trees and buildings.
- 2.24 We therefore propose to extend permitted development rights for existing masts. For a mast of an existing permitted height of 30m or less the height may be increased up to 50% of the height of the original mast. Allowing greater increases in dimensions would encourage greater use of existing sites and make upgrading of equipment simpler.
- 2.25 For existing masts over 30m in height we propose to permit an increase of up to 50 meters in height. The taller the mast, the less an extension would appear out of context and such an increase would be unlikely to materially change the overall relationship of the mast with its setting.
- 2.26 Where the existing mast is over 50 metres in height, an increase up to the height of the original mast plus 20% of its height is permitted development.
- 2.27 As increasing the height of a mast or adding additional equipment may also require a corresponding increase in its width to ensure stability, we propose to permit the width of a mast to be increased by up to
- 2 metres; or
 - one half of the original width of the structure whichever is greater.

- 2.28 Currently, development is not permitted where a change of location of more than 6 metres from the location of the existing mast is required. The mobile industry have raised concerns that this does not offer the necessary flexibility where exact positioning is constrained.
- 2.29 Whilst the current 6 metre threshold will be retained, we are seeking views if this condition should be supplemented by an additional requirement that a replacement mast “*shall be installed as close as reasonably practicable to the mast which it is replacing*”. This would help ensure that any relocation is limited to what is reasonably necessary, having regard to operational, technical and site-specific constraints.

PROPOSAL

- 2.30 It is proposed that the following amendments to permitted development rights for existing ground based masts and other apparatus will provide:

(i) an increase in the overall height of an existing mast—

- where the existing mast does not exceed 30 metres in height, by up to 50% of the height of the original mast;
- where the existing mast exceeds 30 metres but does not exceed 50 metres in height, up to a maximum overall height of 50 metres; or
- where the existing mast exceeds 50 metres in height, by up to 20% of the height of the original mast.

(ii) an increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of more than—

- 2 metres; or
- one half of the original width of the structure;

whichever is the greater.

Question 5: *Do you agree with the above proposals in relation to existing ground based masts and other apparatus (see Annex A draft **Part 18 A.1(d)**)?*

Please respond: Yes / No

Please provide additional information in support of your answer:

Question 6: *Please provide your views on whether the proposals in relation to existing ground based masts and other apparatus installation, should be subject to a prior approval process in designated areas (see Annex A draft **Part 18 A.1 (a)**).*

Please provide reasons for your answer:

Question 7: *Please provide your views on whether the existing 6 metre limitation on the replacement of an existing mast (see Annex A draft **Part 18 - A.1 (d)(iii)**) should be amended to include ‘or as close as reasonably practicable to the mast which it is replacing’?*

Please provide reasons for your answer:

Apparatus Mounted on Buildings

- 2.31 The current permitted development rights for apparatus mounted on buildings are considered by the Industry to be a barrier to 5G deployment due to evolving technical safety and operational requirements.
- 2.32 The move to 5G technology has introduced complexities that often necessitate greater vertical clearance than previous generations.
- 2.33 A proposal is to extend the permitted development rights to electronic communications apparatus on a building or other structure (other than a ground based mast) (Class A - A.1 paragraph (h) & (i)).

- 2.34 The proposal would permit an 8 metre increase in height of apparatus on a building less than 15 metres in height, and a 10 metre increase in height of apparatus on a building more than 15 metres in height.

PROPOSAL

- 2.35 It is proposed that where apparatus (other than an antenna, equipment housing or a ground based mast) on a building or structure is to be installed, altered or replaced, the resulting equipment and any housing or cabinet on which it is mounted must not exceed the prescribed limits. In this case:

- If apparatus on a building less than 15 metres high is being installed, an increase of up to 8 metres is permitted.
- If apparatus on a building more than 15 metres high is being installed, an increase of up to 10 metres is permitted.
- If apparatus on a building less than 15 metres high is being altered or replaced, an increase of 8 metres in height, or if greater, the current height of the apparatus which is being altered or replaced.
- If apparatus on a building more than 15 metres high is being altered or replaced, an increase of 10 metres in height, or if greater, the current height of the apparatus which is being altered or replaced.

Question 8: *Do you agree with the above proposals in relation to Apparatus Mounted on Buildings (see Annex A draft **Part 18 - A.1 (h) & (i)**)?*

Please respond: Yes / No

Please provide additional information in support of your answer:

Emergency Period

- 2.36 Currently, Part 18 of the GPDO includes provisions that allow for the emergency use of land or siting of apparatus for up to 18 months. The apparatus must be removed before the expiry of the 18-month period.
- 2.37 The telecommunications industry does not consider that this allows sufficient time for the necessary work, including site search, administrative processes, the ordering and manufacture of new permanent equipment, and the installation of that equipment. A longer period of 36 months has been suggested to provide operators with sufficient time to secure, procure and install permanent replacement infrastructure where emergency arrangements are required.

Question 9: *Please provide your views on the current 18-month period for the emergency use of land and siting of apparatus under permitted development rights. In particular, we would welcome views on whether this period provides sufficient time for the necessary administrative processes, procurement, manufacture and installation of permanent replacement equipment (see Annex A draft **Part 18 - A - A.(b)**).*

Please provide information in support of your answer:

Sensitive Areas

- 2.38 The Department considers that the existing limitations should be retained for Sites of Archaeological Interest and World Heritage Sites, as these designations are not specifically reflected within the Electronic Communications Code Regulations. Maintaining the current restrictions will help ensure that these nationally and internationally important heritage assets continue to receive an appropriate level of protection.
- 2.39 For consistency with existing permitted development provisions across other forms of development, the Department proposes to retain the

current protection afforded to listed buildings. Accordingly, permitted development rights may only be exercised where any required listed building consent has already been granted for the proposed works. This will ensure that the special architectural and historic interest of listed buildings continues to be appropriately safeguarded.

- 2.40 Existing protections for Conservation Areas, Areas of Outstanding Natural Beauty (AONBs) and Areas of Special Scientific Interest (ASSIs) will be maintained. Permitted development rights in these sensitive locations will continue to be subject to specific limitations and conditions, broadly reflecting the current arrangements, in order to balance the need for improved digital connectivity with the protection of environmental, landscape and heritage interests.

Equality Impact

3. A Section 75 Screening Analysis has been undertaken and is published alongside this consultation. Responses received will help inform the Department's ongoing consideration of any equality and good relations impacts associated with the proposals.

Question 10: *We would welcome your comments as part of this consultation on whether the proposals stated could give rise to any impacts on individuals across any of the Section 75 categories in Northern Ireland, namely:*

- *religious belief;*
- *political opinion;*
- *racial group;*

- *age;*
- *marital status;*
- *sexual orientation;*
- *sex;*
- *disability;*
- *dependency status*

Please provide information in support of your answer:

Annex A – Draft Part 18

PART 18

DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

Class A 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 construction, installation, alteration or replacement of any electronic communications apparatus and any associated hard standing or supporting structure; (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 equipment housing.
Development not permitted	A.1	Development is not permitted by Class A if— (a) it is to be carried out in a conservation area, an area of outstanding natural beauty, an area of special scientific interest or a National Park unless— (i) it is an emergency; (ii) it involves the installation, alteration or replacement of any underground apparatus; (iii) it involves the installation, replacement or alteration of telegraph poles, the installation of new overhead lines on such poles or is ancillary to such development; or (iv) it is development which is permitted by virtue of A.1(d), A.1(g), A.1(m) or A.1(n); (b) the land is within a site of archaeological interest or a World Heritage Site unless it involves the installation of new overhead

- lines supported by existing poles;
- (c) it is within the curtilage of a listed building unless listed building consent for the development has previously been granted;
 - (d) it involves the replacement or alteration of an existing mast which is ground based or the installation of apparatus on such a mast which results in—
 - (i) an increase in the overall height of the original structure of—
 - (aa) in the case of an existing mast which is 30 metres or less in height, more than 50% of the original height of the structure; or
 - (bb) in the case of an existing mast which is more than 30 metres in height the mast as altered or replaced would exceed 50 metres; or
 - (cc) in the case of an existing mast which is more than 50 metres in height, more than 20% of the original height of the structure;
 - (ii) an increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of more than—
 - (aa) two metres; or
 - (bb) one half of the original width of the structure;
 whichever is the greater; or
 - (iii) a change of location of more than 6 metres from the location of the existing mast;
 - (e) if it would consist of the construction or installation of a ground based mast of a height, calculated in accordance with head (f), which would exceed 30 metres;
 - (f) the height of the mast is to be calculated by—
 - (i) adding together the height of—
 - (aa) the mast;
 - (bb) any apparatus attached to the mast; and
 - (cc) any plinth or other structure required for the purpose of supporting the mast; and
 - (ii) deducting from that sum the height of

any antenna attached to the mast to the extent that it protrudes above the highest part of the mast.

- (g) in the case of the installation, alteration or replacement of equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
 - (ii) the development would exceed 90 cubic metres or, if located on a roof of a building, the development would exceed 30 cubic metres;
- (h) it involves the installation on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would result in such apparatus (taken together with any equipment housing on which such apparatus is mounted) exceeding—
 - (i) 8 metres in height in the case of a building which is less than 15 metres in height; or
 - (ii) 10 metres in height in the case of a building which is more than 15 metres in height; or
 - (iii) 2 metres when measured horizontally at its widest point;
- (i) it involves the alteration or replacement on a building or other structure (other than a ground based mast) of apparatus, other than equipment housing or an antenna system, which would result in that apparatus (taken together with any equipment housing on which such apparatus is mounted) exceeding—
 - (i) 8 metres in height or if greater the current height of the apparatus which is being altered or replaced in the case of a building which is less than 15 metres in height; or
 - (ii) 10 metres in height or if greater the current height of the apparatus which is being altered or replaced in the case of a building which is more than 15 metres in height; or
 - (iii) 2 metres measured horizontally at its widest point or if greater the current horizontal measurement of the apparatus which is being altered or replaced;
- (j) in the case of the installation of ground based apparatus, other than equipment

housing or an antenna, the apparatus would exceed a height of 15 metres above ground level;

- (k) in the case of the alteration or replacement of ground based apparatus already installed, other than equipment housing or an antenna, the apparatus would when altered or replaced exceed—
 - (i) the height of the existing apparatus; or
 - (ii) a height of 15 metres above ground level;

whichever is greater;

- (l) in the case of the installation, alteration or replacement of any ground based apparatus other than—
 - (i) a mast;
 - (ii) a public call box;
 - (iii) any apparatus which does not project above the surface of the ground;
 - (iv) equipment housing; or
 - (v) any kind of antenna;

the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;

- (m) in the case of the installation, alteration or replacement of any apparatus on a dwellinghouse or within the curtilage of a dwellinghouse that apparatus—
 - (i) is not a small antenna; or
 - (ii) being a small antenna—
 - (aa) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than two such antennas;
 - (bb) is installed on a dwellinghouse so that the highest part of it would be higher than the highest part of the roof on which it would be installed; or
 - (cc) would face on to a road when installed on any part of a dwellinghouse in a conservation area;

- (n) in the case of the installation, alteration or replacement of small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse

the development would—

- (i) result in the presence of more than eight small antennas on a building;
 - (ii) result in the presence of more than two small antenna on a building in a conservation area; or
 - (iii) face on to a road when installed on any part of a building in a conservation area;
- (o) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located more than 15 metres above ground level—
- (i) any individual antenna exceeds 6 metres in height or 1.3 metres when measured horizontally;
 - (ii) the development would result in there being more than 5 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;
- (p) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located fewer than 15 metres above ground level—
- (i) any individual antenna exceeds 3 metres in height or 0.9 metres when measured horizontally;
 - (ii) the development would result in there being more than 4 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;
- (q) it involves the construction of an access track of more than 50 metres in length.

Conditions

A.2

(1) Class A(a) and A(c) development is permitted subject to the condition that any apparatus constructed, 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(a) and A(c) development is

permitted subject to the condition that any alteration or replacement of a ground based mast (including the installation of apparatus on the mast) in accordance with that permission shall, so far as is practicable, be sited so as to minimise the visual and environmental impact of the development.

(3) 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 electronic communication purposes.

(4) Class A(b) development is permitted subject to the condition that—

(a) any apparatus or structure provided in accordance with that permission shall be removed from the land—

(i) at the expiry of 18 months from the commencement of the use permitted;
or

(ii) when the need for that use ceases;
whichever is the earlier; and

(b) the land is restored to its condition before the development took place.

(5) In the case of Class A(a) development the developer shall, before commencing development consisting of the installation, alteration or replacement of a mast (including a ground based mast) or antenna, give notice of the proposed development to any other person (other than the developer) who is an owner or occupier of the land to which the development relates—

(a) by serving the appropriate notice to every such person whose name and address is known to him; or

(b) where he has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(6) Class A.1(a)(iii) development is permitted subject to the condition that the developer shall—

(a) except in a case of emergency give appropriate notice in writing to the council no fewer than 28 days before development is begun of the developer's intention to carry out such development;
or

(b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(7) Class A(a) and A(b) development consisting of the installation, alteration or replacement of one or more antennas is permitted subject to the condition that the developer shall—

- (a) except in a case of emergency give appropriate notice in writing to the council no fewer than 28 days before development is begun of the developer's intention to carry out such development; or
- (b) in a case of emergency give appropriate notice of such development as soon as possible after the emergency begins.

(8) The notice referred to in sub-paragraphs 7(a) and (b) shall be accompanied by an ICNIRP declaration.

(9) In the case of Class A(a) and A(b) development consisting of—

- (a) the alteration of a ground based mast which would result in an increase in the height of the mast;
- (b) the construction or installation of a ground based mast which is not a replacement of an existing ground based mast;
- (c) the installation of apparatus on a building, other than equipment housing or an antenna system, which would result in the apparatus exceeding the height of the highest part of the existing building;
- (d) the alteration or replacement of apparatus on a building, other than equipment housing or an antenna system, which would result in an increase in the height of the apparatus; or
- (e) the replacement of a ground based mast;

on land within a safeguarding area identified on a safeguarding map relating to an aerodrome, technical site, meteorological technical site or military explosives storage area is permitted subject to the condition that the developer shall give written notice—

- (i) in relation to a safeguarding map issued or approved by the Civil Aviation Authority, to the owner or operator of the aerodrome or technical site identified on the safeguarding map;
- (ii) in relation to a safeguarding map issued by the Secretary of State for Defence, to the Secretary of State for Defence; and
- (iii) in relation to a safeguarding map

issued by the Met Office, to the Met Office.

(10) The notice referred to in sub-paragraph 9 must—

- (a) include—
 - (i) a grid reference (to at least 6 figures each of Eastings and Northings) and the elevation height of the site (to an accuracy of 0.25 metres above Ordnance Datum); and
 - (ii) where development is carried out in an emergency, the date development commenced or is to commence;
- (b) be given—
 - (i) at least 28 days before development is to commence; or
 - (ii) where development is carried out in an emergency, as soon as possible after the emergency arises.

(11) Development under A.1(a) which is described in sub-paragraph (12) is permitted subject to the conditions in this sub-paragraph.

- (a) The developer must before submitting an application under sub-paragraph (12)(a) give written notice of the proposed development containing the information referred to in head (b) to—
 - (i) any person (other than the developer) who is an owner of the land on which the development would be located; and
 - (ii) any agricultural tenant of the land on which the development would be located.
- (b) The notice must contain—
 - (i) the date on which the notice is sent;
 - (ii) the name and address of the developer and, where an agent is acting on behalf of the developer, the name and address of that agent;
 - (iii) the postal address of the land to which the development relates or, if the land has no postal address, a description of the location of the land;
 - (iv) a description of the development to which the notice relates, including its siting, appearance and dimensions (including the height of any mast and the height of any apparatus attached to the mast to the extent that it would protrude above the highest part of

the mast);

- (v) a statement that the developer is to apply to the council in whose area the land to which the development relates would be located for a determination as to whether the prior approval of the council will be required as to the siting and appearance of the development;
- (vi) the name and address of the council to which the application referred to in head (v) is to be made;
- (vii) a statement that the application will be available for public inspection at the offices of the council;
- (viii) a statement that written representations may be made to the council with regard to the siting and appearance of the development; and
- (ix) information as to how representations may be made and the period within which they may be made, being a period of 28 days beginning on the day after the day on which the notice is sent.

(12) (a) Development under A.1(a) which would—

- (i) consist of the construction or installation of a ground based mast; or
- (ii) be associated with the construction or installation of that mast and would—
 - (aa) consist of the construction or installation of apparatus; or
 - (bb) be development ancillary to the construction, installation or use of equipment housing,

is permitted subject to the conditions in this sub-paragraph, but the conditions do not apply to development carried out in an emergency or development consisting of the installation of a link antenna if the height of the structure on which the satellite antenna would be installed would not exceed 4 metres.

- (b) Before commencing development the developer must submit an application, which complies with head (c), to the council in whose area the land to which the development relates would be located for a determination as to whether the prior approval of the council is

required in respect of the siting and appearance of the development.

(c) The application must—

(i) contain—

(aa) the name and address of the developer and, where an agent is acting on behalf of the developer, the name and address of that agent;

(bb) a description of the development to which the application relates, including its siting, appearance and dimensions (including the height of any mast and the height of any apparatus attached to the mast to the extent that it would protrude above the highest part of the mast); and

(cc) the postal address of the land to which the development relates or, if the land has no postal address, a description of the location of the land; and

(ii) be accompanied by—

(aa) a plan sufficient to identify the land on which the development would be located and showing the situation of that land in relation to neighbouring land;

(bb) other plans and drawings which are necessary to describe the development to which the application relates, showing in particular the dimensions, appearance and position of development on the site;

(cc) where the application relates to an antenna, an ICNIRP declaration;

(dd) any fee required to be paid; and

(ee) evidence of compliance with sub-paragraph (9)(e) and 11(b) where relevant.

(d) The development described in the application made under head (b) may not commence before the occurrence of one of the following events:—

(i) the receipt by the developer of written notice from the council

indicating that prior approval is not required;

(ii) where the council gives the developer written notice that prior approval is required—

(aa) the giving of that approval in writing within a period of 56 days beginning with the date of receipt of the application or such longer period as is agreed in writing with the council;

(bb) the expiry of a period of 56 days beginning with the date on which the council receives the application, or such longer period as is agreed with the council, without the council notifying the developer in writing that approval is given or refused; or

(iii) the expiry of the period of 56 days beginning with the date on which the council receives the application, or such longer period as is agreed in writing with the council, without the council notifying the developer in writing of their determination as to whether prior approval is required.

(e) development which is the subject of an application under head (b) must, unless the council otherwise agree in writing, be carried out—

(i) to the extent to which prior approval is granted, in accordance with the approved details; and

(ii) in any other case, in accordance with the details submitted with the application.

(f) development which is the subject of an application under head (b) is to commence—

(i) where approval is granted, within a period of 3 years beginning on the date on which the council approves the details; and

(ii) in any other case, within a period of 3 years beginning with the date on which the council receives the application.

operated in accordance with the electronic communications code;

“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (i) the name of the developer;
- (ii) the address or location of the proposed development; and
- (iii) a description of the proposed development (including its siting and appearance and the height of any mast);

“development ancillary to equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of equipment housing;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“electronic communications code” has the meaning assigned to it by section 106(1) of the Communications Act 2003;

“ground based mast” means a mast constructed on the ground either directly or on a plinth or other structure constructed for the purpose of supporting the mast;

“ICNIRP declaration” means a declaration by the developer that the antenna is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation of 12th July 1999 (1999/519/EC, OJ L 1999, 30.7.1999) on the limitation of exposure of the general public to electromagnetic fields (0Hz to 300GHz).

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development is situated;

“mast” means a structure erected by or on behalf of the developer for the support or housing of one or more antennas including a radio mast, radio tower, pole or other structure;

“small antenna” means an antenna which—

- (i) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (ii) may be variously referred to as a

femtocell, picocell, metrocell or microcell antenna;

(iii) may include small-area wireless access points;

(iv) does not, in any two dimensional measurement, have a surface area exceeding 5000 square centimetres; and

(v) does not have a volume exceeding 50,000 cubic centimetres;

and any calculation for the purposes of paragraphs (iv) and (v) is to include any power supply unit or casing but excludes any mounting, fixing, bracket or other support structure;

“small-area wireless access point” means low-power wireless network access equipment of a small size operating within a small range, using licenced radio spectrum or licence-exempt radio spectrum or a combination thereof, which may be used as part of a public electronic communications network, which may be equipped with one or more low visual impact antennae, and which allows wireless access by users to electronic communications networks regardless of the underlying network topology, be it mobile or fixed.