
 STATUTORY INSTRUMENTS

1985 No. 1014 (S. 86)

TOWN AND COUNTRY PLANNING, SCOTLAND

**The Town and Country Planning (General Development)
(Scotland) Amendment Order 1985**

<i>Made</i> - - - - -	3rd July 1985
<i>Laid before Parliament</i>	12th July 1985
<i>Coming into Operation</i>	1st November 1985

In exercise of the powers conferred on me by sections 21 and 273 of the Town and Country Planning (Scotland) Act 1972(a) and paragraph 54(2) of Schedule 4 to the Telecommunications Act 1984(b) and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as the Town and Country Planning (General Development) (Scotland) Amendment Order 1985, and the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1984(c) and this order may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1985.

(2) This order shall come into operation on 1st November 1985.

2. The Town and Country Planning (General Development) (Scotland) Order 1981 is hereby amended as follows:—

(a) in article 2(1), the following definitions shall be added:—

“the 1984 Act” means the Telecommunications Act 1984;

“existing” in relation to any building or other structure or any plant or machinery, means (except in the definition of “original”) existing immediately before the carrying out of development described in this order;

“microwave” means that part of the radio spectrum above 1000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“national scenic area” means an area designated by the Secretary of State by direction for the purpose of conserving the natural beauty and amenity of the countryside;

“public call box” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting a public telephone and at which call box services are provided (or are to be provided) by a telecommunications code system operator;

(a) 1972 c. 52.

(b) 1984 c. 12.

(c) S.I. 1981/830, 1983/1620, 1984/237.

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“telecommunication apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

“the telecommunications code” means the code contained in Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act which applies the telecommunications code to him in pursuance of section 10 of that Act;

“telecommunication system” has the meaning assigned to that term by section 4(1) of the 1984 Act;

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two or more fixed points;

(b) In Schedule 1 Part I

(i) for class XV.I there shall be substituted the following:—

Column (1) Description of Development	Column (2) Conditions
<p>“I. Post Office. Development required for the purposes of the undertaking of any of the following descriptions:—</p> <p>(1) the installation of posting boxes or self-service machines;</p> <p>(2) any other development carried out in, on, over or under the operational land of the undertaking except—</p> <p>(a) the erection or reconstruction of buildings or the alteration of buildings so as materially to affect the design or external appearance thereof;</p> <p>(b) the installation or erection, by way of addition or replacement, of any plant or machinery, or structure or erection of the nature of plant or machinery, which exceeds 15 metres in height, or the height of the existing plant, machinery, structure or erection, whichever is the greater.”;</p>	<p>Standard conditions 1 and 2.</p>

(ii) the following classes shall be added after class XXII:—

Column (1) Description of Development	Column (2) Conditions
<i>Class XXIII (Development by Telecommunications Code System Operators)</i>	
<p>The carrying out of development by or on behalf of a telecommunications code system operator where the development is being carried out either—</p>	<p>(1) Standard conditions 1 and 2.</p> <p>(2) In the case of the installation of apparatus on or over land occupied by the operator in respect of which either under the Lands Clauses Acts he would be enabled to sell the land to the promoters of an undertaking or he holds a lease granted for a term of not less than 10 years which is within a conservation area or a national scenic area the operator shall (except in a case of emergency) give notice in writing to the planning authority, not less than two months before the development is begun, of his intention to carry out such development; and where the operator needs to install apparatus on such land as a matter of emergency, he shall give written notice of such installation as soon as possible after the emergency begins.</p> <p>(3) In the case of the installation, alteration or replacement on a building of an antenna of any kind, or any apparatus which is intended to support an antenna, the antenna or apparatus shall so far as practicable be sited so as to minimise its effect on the external appearance of that building.</p> <p>(4) Where development within paragraph (2) in column (1) has been carried out, then at the expiration of the period of six months from commencement of the use, or when the need for the use of the land for the stationing and operation of moveable telecommunication apparatus ceases (whichever first occurs), all such apparatus, and all moveable structures erected or placed on the land for the purpose of the use, shall be removed and the land shall be restored to its condition before development took place.</p>
<p>(a) on land occupied by the operator in respect of which either under the Lands Clauses Acts he would be enabled to sell the land to the promoters of an undertaking or he holds a lease granted for a term not less than 10 years; or</p> <p>(b) in pursuance of a right conferred on the operator under the telecommunications code, and in accordance with any conditions relating to the application of that code which have been imposed by the terms of his licence,</p>	
<p>and for the purposes of the operator's telecommunication system; and where the development is within any of the following descriptions:—</p>	
<p>(1) the installation, alteration or replacement in, on, over or under land of any telecommunication apparatus where—</p> <p>(a) in the case of the installation of apparatus (other than on a building or other structure), the apparatus does not exceed a height of 15 metres above ground level;</p> <p>(b) in the case of the alteration or replacement of apparatus already installed (other than apparatus installed on a building or other structure), the apparatus does not when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level whichever is the greater;</p> <p>(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) does not exceed—</p>	

Column (1) Description of Development	Column (2) Conditions
<p>(i) 15 metres where it is installed, or is to be installed, on a building or other structure which has a height of 30 metres or more; or</p> <p>(ii) 10 metres in any other case;</p> <p>(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 does not exceed the height of the highest part of the existing building or structure by more than—</p>	<p>(i) 10 metres in the case of a building or structure which is 30 metres or more high;</p> <p>(ii) 8 metres in the case of a building or structure which is more than 15 metres but less than 30 metres high; or</p> <p>(iii) 6 metres in any other case;</p>
<p>(e) in the case of the installation, alteration or replacement of any apparatus other than a mast, any kind of antenna, a public call box or any apparatus which does not project above the level of the surface of the ground, the ground or base area of the structure does not exceed 1.5 square metres;</p>	<p>(f) in the case of the installation, alteration or replacement of any microwave antenna, or apparatus which includes or is intended for the support of such an antenna, on a building or other structure—</p>
<p>(i) the building or other structure on which the antenna is installed or is to be installed exceeds a height of 15 metres;</p> <p>(ii) the size of the antenna, when measured in any dimension, does not exceed 1.3 metres (excluding any projecting feed element);</p> <p>(iii) the development does not result in the presence on the building or structure of more than two microwave antennas;</p>	

Column (1) Description of Development	Column (2) Conditions
<p>(2) The use of land in case of emergency, for a period not exceeding six months, for the stationing and operation of moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, and the erection or placing of moveable structures on the land for the purposes of that use:</p>	
<p>Provided that nothing in this permission is to be construed as authorising (except in a case of emergency)—</p>	
<p>(a) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or</p>	
<p>(b) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs in size, design, appearance or siting from that which is being replaced,</p>	
<p>on or over any land which is within a conservation area or a national scenic area.</p>	
<p><i>Class XXIV (Other telecommunications development)</i></p>	
<p>The installation, alteration or replacement on any building or other structure (except a dwelling-house), in circumstances other than those set out in Class XXIII of this Schedule, of a microwave antenna and any structures intended for the support of such an antenna where—</p>	<p>(1) Standard conditions 1 and 2.</p>
<p>(a) the building or other structure on which the antenna is installed or is to be installed exceeds a height of 15 metres;</p>	<p>(2) The microwave antenna shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or other structure on which it is installed.</p>
<p>(b) in the case of a terrestrial microwave antenna—</p>	<p>(3) When an antenna is no longer needed for the reception or transmission of microwave radio energy, it shall be removed from the building or structure.</p>
<p>(i) the size of the antenna, when measured in any dimension, does not exceed 1.3 metres (excluding any projecting feed element); and</p>	
<p>(ii) the highest part of the antenna or its supporting structure is not more than 3 metres higher than the highest part of the existing building or structure on which it is installed;</p>	

Column (1) Description of Development	Column (2) Conditions
(c) in the case of a satellite antenna, the size of the antenna, taken together with its supporting structure (but excluding any projecting feed element) does not exceed 90 cm;	
(d) the development does not result in the presence on the building or structure of more than two microwave antennas:	
Provided that nothing in this permission is to be construed as authorising the installation, alteration or replacement of a microwave antenna or of any structures intended for the support of such an antenna on or over any land which is within a conservation area or a national scenic area.	

3. Paragraph 70 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972(a) and paragraph 54(13) of Schedule 4 to the Telecommunications Act 1984(b) are hereby repealed.

New St Andrew's House,
Edinburgh.
3rd July 1985.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order amends the Town and Country Planning (General Development) (Scotland) Order 1981 by adding two new classes to Schedule 1 Part I (development permitted by the order) to permit the installation of certain telecommunication apparatus, and by amending class XV.I of that Schedule (which relates to development by the Post Office).

The first of the new classes in Schedule 1 Part I, class XXIII (development by telecommunications code system operators) relates to—

- (a) the installation, alteration or replacement of telecommunication apparatus; and
- (b) the use of land in cases of emergency for the temporary stationing of moveable telecommunication apparatus to replace unserviceable apparatus,

by a person who has been granted a licence under section 7 of the Telecommunications Act 1984 to run a telecommunication system and who has had the telecommunications code set out in Schedule 2 to that Act applied to him by the terms of his licence. Such development is permitted under the class if it is for the purposes of the licensed operator's telecommunication system and either is carried out on his own land or is carried out in pursuance of a right conferred under the telecommunications code and in accordance with any conditions which have been imposed on him by his licence in relation to the application of that code. The permission for the permanent installation of apparatus is subject to certain limitations on the height of the apparatus and its ground area; and there are special restrictions on the sizes and the numbers of satellite antennas and terrestrial microwave antennas that can be installed on buildings and other structures, together with a provision that no such antennas can be installed on a building or structure which is less than 15 metres high. There is also a condition requiring that any kind of antenna which is installed on a building shall be sited so as to minimise its effect on the external appearance of that building. Permission for the use of land for the stationing of moveable apparatus is subject to a six-month time limit.

In respect of development in a conservation area or a national scenic area an additional condition and an additional limitation are imposed on class XXIII (development by telecommunications code system operators) which

- (i) require the operator (except in an emergency) to give 2 months' notice to the planning authority before installing any apparatus on his own land; and
- (ii) exclude from the class (except in a case of emergency) the installation or alteration of microwave antennas and the replacement of an existing antenna by an antenna which differs from the original one.

The other new class (class XXIV) relates to the installation, alteration or replacement of satellite antennas and terrestrial microwave antennas on buildings and other structures in circumstances in which class XXIII does not apply. The building or other structure must not be a dwelling-house (as defined in the 1981 order) and must be more than 15 metres high; and there are limits on the dimensions of the antennas and the number that can be installed. There are conditions requiring that the antenna shall be sited so as to minimise its effect on the external appearance of the building or structure and that it shall be removed when no longer needed. Class XXIV (other telecommunications development) does not apply in respect of development in a conservation area or a national scenic area.

Class XV.I of Schedule 1 Part I to the 1981 order (development by the Post Office) has been amended by the removal of references to telephone kiosks, to telegraphic lines and to moveable apparatus required for the replacement of unserviceable telephone or radio exchanges, stations or generators.

This order also repeals paragraph 70 of Schedule 22 to the Town and Country Planning (Scotland) Act 1972 and paragraph 54(13) of Schedule 4 to the Telecommunications Act 1984, which exempt from planning control certain development in connection with the provision of telecommunication systems.

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