



Department of the
Environment

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Your reference:

Our reference:

23 February 2012

Dear Mr McDougall

PLANNING POLICY DIVISION RESPONSE TO CONSULTATION ON RELAXING THE RESTRICTIONS ON THE DEPLOYMENT OF OVERHEAD TELECOMMUNICATIONS LINES

The Department is content to note the proposal to amend 'the Electronic Code (Conditions and Restrictions) Regulations 2003' to ease restrictions on the deployment of overhead telecoms lines.

I would add however that there are differences in detail when it comes to the permitted development arrangements for the installation of overhead telecommunications lines and poles in Northern Ireland when compared to the situation in England and Wales.

In Northern Ireland, permitted development rights relating to overhead lines and poles permit both the provision of new poles and the stringing of overhead lines on those poles. However in conservation areas; AONBs; ASSIs; National parks; within sites of archaeological interest; and on listed buildings; the installation of new overhead lines must be on existing poles, otherwise express planning permission is required. There are no prior approval arrangements in Northern Ireland.

I enclose a copy of Part 17 of Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993 (as amended) for your information (Annex A). Paragraph A.1 (a) and (b) refers.

In relation to proposals requiring planning permission you should note that Planning Policy Statement (PPS) 10 'Telecommunications' (published April 20 02) sets out the Departments' planning policy for the assessment of the development of telecommunications infrastructure in Northern Ireland. It embodies the Government's commitment, at that time, to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The PPS also addresses health issues associated with telecommunications development.

Policy TEL 1 'Control of Telecommunications Development' of PPS10 provides for telecommunications development '*where such proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations*'.

Finally, I would be grateful if you could keep me informed of this proposal going forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Angus Kerr', with a stylized flourish at the end.

ANGUS KERR

Director

ANNEX A

[Part 17 as substituted by SR 2003 No. 98]

PART 1

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	<p>(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.</p> <p>(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.</p>
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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 his licence, consisting of the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunications apparatus required for the replacement of unserviceable telecommunications apparatus, including the provision of moveable structures on the land for the purposes of that use.

<i>Conditions</i>	B.1	<p>(1) Development is permitted by Class B subject to the condition that the operator gives written notice of the development to the Department as soon as possible after the emergency begins, and in any case not later than 3 days thereafter.</p> <p>(2) Development is permitted by Class B subject to the condition that any apparatus or structure</p>
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provided in accordance with that permission, shall—

- (i) be located as close as operationally practicable to the existing unserviceable telecommunications apparatus;
- (ii) where operationally practicable, not exceed the height of the existing telecommunications apparatus; and
- (iii) at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

Interpretation of Part 17

For the purposes of Part 17—

“the 1984 Act” means the Telecommunications Act 1984;

“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;

"development in accordance with a licence" means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions relating to the application of that code imposed by the terms of his licence;

“land controlled by an operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term not less than 10 years;

“mast” means a structure erected by or on behalf of a telecommunications code system operator for the support or housing of one or more antennae including a mast, pole, tower or other structure;

"relevant period" means a period which expires—

- (a) 6 months from the commencement of the use permitted by Class B; or
- (b) when the need for such use shall cease,

whichever occurs first;

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

"telecommunications code" means the code contained within 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;

"telecommunications system" has the meaning assigned to that term by section 4(1) of the 1984 Act.