



TOWN AND COUNTRY PLANNING (TELECOMMUNICATIONS) DEVELOPMENT (AMENDMENT) ORDER 2022

Index

Article	Page
1 Title	3
2 Commencement	3
3 Amendment of the Town and Country Planning (Telecommunications) Development Order 2019.....	3
4 Article 3 amended.....	3
5 Schedule 1 amended.....	4
6 Schedule 2 amended.....	4
7 Transitional provisions	5

Statutory Document No. 20XX/XXXX



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (TELECOMMUNICATIONS) DEVELOPMENT (AMENDMENT) ORDER 2022

Approved by Tynwald:

Coming into operation in accordance with article 2

The Cabinet Office makes the following Order under section 8 of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Telecommunications) Development (Amendment) Order 2022.

2 Commencement

If approved by Tynwald, this Order comes into operation on [TBC]¹.

3 Amendment of the Town and Country Planning (Telecommunications) Development Order 2019

The Town and Country Planning (Telecommunications) Development Order 2019² is amended as follows.

4 Article 3 amended

- (1) Article 3 (interpretation) is amended as follows.
- (2) Omit the definitions of “licensed operator” and “telecommunications system”.
- (3) In the appropriate places insert the following definitions —
 - ☐ “**electronic communications apparatus**” has the meaning given in section 3(2) of the Communications Act 2021;

¹ Under section 44(1) of the Town and Country Planning Act 1999 this Order may not come into operation unless it is approved by Tynwald.

² SD 2019/0393.

- “**electronic communications network**” has the meaning given in section 4(1) of the Communications Act 2021;
- “**licence**” and “**licenceholder**” have the meanings given in section 3(2) of the Communications Act 2021;
- “**prior approval**” is to be construed in accordance with Schedule 4;
- “**telegraph pole**” means a pole by or from which any electronic communications apparatus is, or may be, installed, supported, carried or suspended;
- “**temporary telecommunications structure on land**” means a structure for the erection of which planning approval has been granted whose primary purpose is to house electronic communications apparatus, in place for a period of no longer than 6 months; **22**.

5 Schedule 1 amended

- (1) Schedule 1 (general conditions) is amended as follows.
- (2) For paragraph 1, substitute —

23 1 The development must be carried out by or on behalf of a licenceholder for the purpose of the licenceholder’s electronic communications network and in accordance with the licenceholder’s licence. **22**.

6 Schedule 2 amended

- (1) Schedule 2 (approved development not subject to prior approval process) is amended as follows.
- (2) In Part 2 (telecommunications structures), in Table 2 —
- (a) for the entry relating to the class of development Class 2 Telecommunications Structures on Land substitute —

23 Class 2 Temporary Telecommunications Structures on Land other than Telegraph Poles The erection of a temporary telecommunications structure on land other than a telegraph pole	1	No part of the development may be within a conservation area.
	2	No part of the development may be within 9 metres of a designated watercourse.
	3	No part of the development may be within 20 metres of a primary window unless it would be behind the elevation that contains the window.
	4	No part of the development may exceed — (a) 15 metres in height; or (b) 0.3 metres in diameter. 22 ;

- (b) immediately after the entry relating to the class of development Class 2 Temporary Telecommunications Structures on Land other

than Telegraph Poles (as substituted by sub-paragraph (a)) insert

<p>2A Class 2A Telegraph Poles on Land The installation of a telegraph pole on land, in accordance with the UK "Code of Practice for the Installation of Telegraph Poles", or alteration or a replacement of a telegraph pole on land</p>	<p>1 No part of the development may be within 9 metres of a designated watercourse.</p> <p>2 No part of the development may exceed —</p> <p>(a) 10 metres in height; or</p> <p>(b) 0.3 metres in diameter. 2A</p>
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7 Transitional provisions

Any undetermined application for prior approval under the Town and Country Planning (Permitted Development) (Telecommunications) Order 2019 made before this Order comes into operation is to be determined in accordance with that Order as if this Order had not been made.

MADE

Minister for the Cabinet Office

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order amends the Town and Country Planning (Telecommunications) Development Order 2019 (“the 2019 Order”).

Under the 2019 Order planning approval is granted for a number of classes of telecommunications development subject to the conditions and limitations specified in Schedules 1 to 4 to the 2019 Order.

Schedule 1 to the 2019 Order specifies general conditions which apply to the planning approval of all classes of telecommunications development. Schedules 2 and 3 specify conditions and limitations which apply to each class of telecommunications development in those Schedules.

Planning approval is granted for classes of telecommunications development in Schedule 2 without being subject to prior approval (see Schedule 4). Approval is granted for telecommunications development in Schedule 3 subject to prior approval in accordance with Schedule 4. Schedule 4 specifies the procedure for making and determining applications for prior approval of telecommunications development, including what factors must be considered in determining an application.

The amendments made by this Order substitute an existing class of telecommunications development in Schedule 2 to the 2019 Order (Class 2 Telecommunications Structures on Land) with a new class (Class 2 Temporary Telecommunications Structures on Land other than Telegraph Poles). It also inserts a new class of development into that Schedule (Class 2A Telegraph Poles on Land).

The Order also amends article 3 of, and Schedule 1 to, the 2019 Order to reflect changes made in relevant terminology in the 2019 Order on the coming into operation of the Communications Act 2021 and in consequence of the amendments made to Schedule 2 to the 2019 Order, etc.