

## **EAST AYRSHIRE COUNCIL**

### **DEVELOPMENT SERVICES COMMITTEE - 29 JUNE 2004**

#### **CONSULTATION BY SCOTTISH EXECUTIVE ON POSSIBLE CHANGES TO PLANNING REGULATIONS RELATING TO SATELLITE DISHES AND OTHER ANTENNAS**

##### **Report by Executive Director of Development and Property Services**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to consider a response to the Scottish Executive on their proposals to revise the existing planning arrangements regarding the installation of satellite dishes and antennas in order to facilitate the take up of technological advances.

### **2. BACKGROUND**

- 2.1 The planning system utilises a process of deregulation through the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 {GPDO} to lessen the extent of development requiring planning permission. The current GPDO provisions relative to dishes and antennas were introduced in 1992 with amendments in 1998 since which time there have been significant technological advancements including broadband internet access and digital television.
- 2.2 The Government has, through its Digital Television Access Plan, committed itself to creating the conditions for a digital switchover by 2010. In addition it wishes to widen access to broadband, in particular in rural areas. The attainment of these goals must recognise the varying technologies that deliver access to these information streams. For individuals and companies to have access to the new technologies, they will in some cases require several satellite dishes or antennas because service delivery utilises, for example, different satellites in different orbits. The GPDO was drafted to allow a degree of unregulated development appropriate to the early 1990s but the pace of change now requires the extent of the permitted development to be reviewed.
- 2.3 The review of the GPDO in this area should weigh visual impact against the benefits of the access resulting and through the consultation document, the Executive poses a number of associated questions.

### **3. CONTENT**

- 3.1 The consultation document first seeks views on a number of general principles. Then it indicates a process whereby more detailed observations can be gathered on a range of possible changes to the GPDO in respect of four specific types of development. These five options for change span from maintaining the status quo to total or near complete, deregulation.
- 3.2 The consultation document includes 4 "tables" that lay out the options relative to the four types of development identified. These tables are attached as an appendix to this report. The four development types are:-

- Dwelling Houses (not in designated areas)
- Dwelling Houses (in designated areas)
- Other Buildings (not in designated areas)
- Other Buildings (in designated areas)

3.3 The document offers various definitions of terms used within it including the phrase “designated areas” which relates to dishes / antennas on properties that are sensitively located such as in Conservation Areas or Designed Landscapes or proposed on Category “A” Listed Buildings. Also of note is the term “fronting antennas” which concerns dishes or antennas that are both on a wall facing a road and visible from that road.

#### 4. CONSIDERATION

4.1 The consultation poses the following questions of general principle with suggested responses in bold.

4.2 Given that the planning system should not concern itself with the data being transmitted but with the impact of the associated equipment on the environment, should all antennas be treated the same way within the GPDO regardless of what is being transmitted?

- **Yes, this should be agreed.**

4.3 Should any new provisions be drafted so that they are flexible enough to cope with future technological developments?

- **Yes, this should be agreed.**

4.4 Other than satellite dishes, some antennas come in various shapes and it is proposed that they be measured by cubic capacity. Should non-dish antenna be measured by cubic capacity to safeguard technological neutrality?

- **Yes, this should be agreed.**

4.5 The GPDO currently requires the removal of dishes on buildings other than dwellings, when redundant. On all properties, the GPDO requires that antenna must be sited so as to minimise the visual impact on the building. The Executive intends to retain these provisions in addition to any other changes arising from the consultation process. Does the Planning Authority agree?

- **It is considered that the removal of redundant antennas on dwelling houses should be introduced, as is the case with non-dwellings.**

- 4.6 The topography and population distribution in Scotland may effect the equipment required. Are there additional considerations in Scotland that necessitate larger antennas and what size would meet the technological requirements?
- **Whilst not being able to comment on the technological implications arising from topography, it is considered that the land mass and populations of, particularly, rural Scotland should have equal access to the new technologies and that this should be a consideration in determining antenna size.**
- 4.7 The following extensive list of “designated areas” may represent an excessive amount of legislation in relation to the installation of antennas on existing buildings. Is the list of designated areas too long and if so, which designations should be removed from the list. [*national scenic area, National; Park, Natural Heritage Area, conservation area, historic garden or designed landscape, site of special scientific interest, European Site, on a Category Listed Building or Scheduled Monument or within the setting of such building or monument*]
- **It is considered that the list is too extensive and bearing in mind the likely scale of the antennas proposed there is scope to delete the designations concerned with wider environmental matters. Designations addressing in particular the built environment should be retained in the definition. Consequently, it is considered that the definition should exclude national scenic areas, National Parks, Natural Heritage Areas, sites of special scientific interest and European Sites. However, it is considered that the Listed Building Category should embrace all Listed Buildings.**
- 4.8 The Consultation Document, as mentioned previously, introduces various options for change as shown in Appendix 1 to this report. As presented, the document suggests that there should be a selection of a preferred option and thereby all the proposals within that option in terms of “numbers of antennas permitted”, “size of antennas permitted” and “siting restrictions of antennas permitted”. It is considered that this approach is unduly restrictive and that it would be appropriate for the Authority to select elements from within each option provided they were broadly compatible one with the other in terms of the approach being adopted to the review process. For ease of interpretation and with reference to the attached Appendix 1, the recommended proposals are highlighted in bold under each table.
- 4.9 Essentially, it is considered that the current GPDO regime should be relaxed to the extent of enabling wider access to the new technologies, and particular where this involves “non-fronting antennas”. There would therefore be specific circumstances where, with respect to the GPDO, the antennas were unregulated. However, the proposals recommended will retain control where dishes or antennas are visible in “designated areas”.

## **5. FINANCIAL, PERSONNEL AND LEGAL IMPLICATIONS**

5.1 There are no financial, personnel or legal implications arising from the process of consultation nor is it anticipated that the review when translated into a revised GPDO, will have any such implications.

## **6. RECOMMENDATION**

6.1 It is recommended that;

- i) The response to items 4.2 to 4.7 and the highlighted options within Appendix 1 should be agreed and conveyed to the Scottish Executive.

**James Lavery**  
**Executive Director of Development and Property Services**  
**June 2004**

### List of Background Papers

1. Consultation Document on Satellite Dishes and other Antennas;  
Possible Changes to Planning Regulations.

Anyone wishing to inspect the above paper should please contact Alan Neish on 01563 576767.

Implementation Officer: Alan Neish

APPENDIX  
**SATELLITE DISHES AND OTHER ANTENNAS**  
**TABLE A TV/BROADBAND antenna comparison table**  
**DWELLINGHOUSES**  
(not in designated areas)

PROPOSALS	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Number of antennas permitted</b>	TV aerial(s) <i>De minimis</i>  1 satellite dish  2 “small” antennas	TV aerial(s) <i>De minimis</i>  <b>FRONTING ANTENNAS:</b> 1 antenna maximum  <b>NON-FRONTING ANTENNAS</b> 2 additional antennas, or 3 maximum	TV aerial(s) <i>De minimis</i>  <b>FRONTING ANTENNAS</b> 2 antennas maximum  <b>NON-FRONTING ANTENNAS</b> 2 additional antennas, or 4 maximum	TV aerial(s) <i>De minimis</i>  <b>FRONTING ANTENNAS:</b> 3 antennas (If 1 is roof mounted) <b>NON-FRONTING ANTENNAS</b> unlimited	TV aerial(s) – <i>De minimis</i>  <b>ANTENNAS:</b> unlimited
<b>Size of antennas permitted</b>	TV aerial (s):- <i>De minimis</i>  Sat. Dish:- up to 90 cm.  “small” antenna:- up to 50 cm (any linear direction), & not exceeding 1591 sq. cm.	TV aerial (s):- <i>De minimis</i>  Satellite Dishes -1 <sup>st</sup> Sat. Dish: up to 100 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 60 cm max.)  Other Antennas -1 <sup>st</sup> antenna:- up to 100 cm in any linear dimension and up to 35 litres cc (max. vol.)  Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol).  Chimney mounted antenna up to 60 cm or 35 litres cc (max vol.)	TV aerial (s):- <i>De minimis</i>  Satellite Dishes -1 <sup>st</sup> Sat. Dish: up to 100 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 60 cm max.) Other Antennas -1 <sup>st</sup> antenna:- up to 100 cm in any linear dimension and up to 35 litres cc (max. vol.)  -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol).  Chimney mounted antenna up to 60 cm or 35 litres cc (max vol.)	TV aerial (s):- <i>De minimis</i>  Satellite Dishes -1 <sup>st</sup> Sat. Dish: up to 120 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 100 cm max.)  Other Antennas -1 <sup>st</sup> antenna:- up to 120 cm in any linear dimension and up to 35 litres cc (max. vol.)  -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol).  (Chimney mounted antenna up to 100 cm or 35 litres cc (max vol)	TV aerial (s):- <i>De minimis</i>  Unlimited
<b>Siting restrictions of antennas permitted</b>	Highest part of the antenna should not be installed any higher than the highest part of the roof.	Dishes/antennas should not exceed the highest part of the roof by more than 60cm.  Dishes/antennas should not protrude above the highest point of the chimney	Dishes/antennas should not exceed the highest part of the roof by more than 100 cm.  Dishes/antennas should not protrude above the highest point of the chimney by more than 60 cm.	Dishes/antennas should not exceed the highest part of the roof by more than 120 cm.  Dishes/antennas should not protrude above the highest point of the chimney by more than 100 cm.	No restrictions

**TABLE B TV/BROADBAND antenna comparison table  
DWELLINGHOUSES IN DESIGNATED AREAS**

PROPOSALS	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Number of antennas permitted</b>	<p>TV aerial(s) <i>De minimis</i></p> <p><b>FRONTING ANTENNAS:</b></p> <p>None permitted</p> <p><b>NON-FRONTING ANTENNAS:</b> 1 satellite dish*</p> <p>2 "small" antennas*</p>	<p>TV aerial(s) <i>De minimis</i></p> <p><b>FRONTING ANTENNAS:</b></p> <p>None permitted</p> <p><b>NON-FRONTING ANTENNAS:</b> 3 antennas permitted*</p>	<p>TV aerial(s) <i>De minimis</i></p> <p><b>FRONTING ANTENNAS</b> 1 antenna permitted</p> <p><b>NON-FRONTING ANTENNAS</b> 2 additional antennas, or 3 maximum</p>	<p>TV aerial(s) <i>De minimis</i></p> <p><b>FRONTING ANTENNAS:</b> 2 antennas permitted</p> <p><b>NON-FRONTING ANTENNAS</b> 2 additional antennas, or 4 maximum</p>	<p>TV aerial(s) – <i>De minimis</i></p> <p><b>FRONTING ANTENNAS:</b> 3 antennas (1 roof-mounted)</p> <p><b>NON-FRONTING ANTENNAS:</b> unlimited</p>
<b>Size of antennas permitted</b>	<p>TV aerial (s):- <i>De minimis</i></p> <p>Sat. Dish:- up to 90 cm.</p> <p>"small" antenna:- up to 50 cm (any linear direction), &amp; not exceeding 1591 sq. cm.</p>	<p>TV aerial (s):- <i>De minimis</i></p> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish: up to 100 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 60 cm max.)</p> <p>Other Antennas -1<sup>st</sup> antenna:- up to 100 cm in any linear dimension and up to 35 litres cc (max. vol.) -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol.)</p> <p>(Chimney mounted antenna up to 60 cm or 35 litres cc (max vol.)</p>	<p>TV aerial (s):- <i>De minimis</i></p> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish: up to 100 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 60 cm max.)</p> <p>Other Antennas -1<sup>st</sup> antenna:- up to 100 cm in any linear dimension and up to 35 litres cc (max. vol.) -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol.)</p> <p>(Chimney mounted antenna up to 60 cm or 35 litres cc (max vol.)</p>	<p>TV aerial (s):- <i>De minimis</i></p> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish: up to 100 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 60 cm max.)</p> <p>Other Antennas -1<sup>st</sup> antenna:- up to 100 cm in any linear dimension and up to 35 litres cc (max. vol.) -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol.)</p> <p>(Chimney mounted antenna up to 60 cm or 35 litres cc (max vol)</p>	<p>TV aerial (s):- <i>De minimis</i></p> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish: up to 120 cm; -Subsequent Sat. Dish up to 60 cm; (Chimney-mounted satellite dishes:- up to 100 cm max.)</p> <p>Other Antennas -1<sup>st</sup> antenna:- up to 120 cm in any linear dimension and up to 35 litres cc (max. vol.) -Subsequent antenna:- up to 60 cm in any linear dimension and up to 35 litres cc (max vol.)</p> <p>(Chimney mounted antenna up to 60 cm or 35 litres cc (max vol)</p>
<b>Siting restrictions of antennas permitted</b>	<p>Highest part of the antenna should not be installed any higher than the highest part of the roof. Antennas should not be permitted on any part of a dwellinghouse that faces on to a road.</p>	<p>Dishes/antennas should not exceed the highest part of the roof by more than 60 cm. Dishes/antennas not permitted on a chimney stack where they are both fronting, and can be seen from, a road. Dishes/antennas not permitted on the wall where they are both fronting and can be seen from a road.</p>	<p>Dishes/antennas should not exceed the highest part of the roof by more than 60 cm.</p> <p>Dishes/antennas should not protrude above the highest point of the chimney by more than 60 cm.</p>	<p>Dishes/antennas should not exceed the highest part of the roof by more than 100 cm. Dishes/antennas should not protrude above the highest point of the chimney by more than 60 cm above the highest point of the chimney stack. (this does not distinguish between roof and chimney height)</p>	<p>Dishes/antennas should not exceed the highest part of the roof by more than 120 cm.</p>

SATELLITE DISHES AND OTHER ANTENNAS  
TABLE C TV/BROADBAND antenna comparison table

OTHER BUILDINGS (not in designated areas)					
PROPOSALS	Option 1	Option 2	Option 3	Option 4	Option 5
Numbers of antennas permitted	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>2 satellite dishes</p> <p>8 “small” antennas</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>4 antennas</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>6 antennas (if 2 are roof-mounted)</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>8 antennas (if 4 are roof-mounted)</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>Unlimited antennas</p>
Size of antennas permitted	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>Sat. Dish: up to 130 cm</p> <p>“small” antenna: up to 50cm (any linear direction) &amp; not exceeding 1591 sq. cm.</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>Satellite Dishes - Sat. Dish: up to 130 cm; (Chimney-mounted satellite dishes: up to 60cm max)</p> <p>Other Antennas - Other antenna: up to 130cm in any linear dimension &amp; up to 35 litres cc (max vol). (Chimney mounted antenna up to 130cm or 35 litres cc (max vol))</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>Satellite Dishes - Sat. Dish: up to 130cm; (Chimney-mounted satellite dishes: up to 100cm max)</p> <p>Other Antennas - Other antenna: up to 130 cm in any linear dimension and up to 55 litres cc (max vol). (Chimney-mounted antenna up to 130cm or 35 litres cc (max vol))</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>Satellite Dishes - Sat. Dish: up to 130cm; (Chimney-mounted satellite dishes: up to 130cm max)</p> <p>Other Antennas - Other antenna: up to 130cm in any linear dimension and up to 55 litres cc (max vol) (Chimney-mounted antenna up to 130cm or 35 litres cc (max vol))</p>	<ul style="list-style-type: none"> <li>TV aerial(s) – <i>de minimis</i></li> </ul> <p>All Antennas - unlimited</p>
Siting restrictions of antennas permitted	<p>Highest part of a terrestrial antenna will not be more than 3 metres higher than the highest part of the building or structure.</p> <p>Antennas should be sited so as to minimise the effect on the external appearance of the building.</p>	<p>Highest part of an antenna will not be more than 3 metres higher than the highest part of the building or structure.</p> <p>Antennas should be sited so as to minimise the effect on the external appearance of the building.</p>	<p>Highest part of an antenna will not be more than 3 metres higher than the highest part of the building or structure.</p>	<p>Highest part of an antenna will not be more than 3 metres higher than the highest part of the building or structure.</p>	<p>no restrictions</p>

SATELLITE DISHES AND OTHER ANTENNAS

TABLE D TV/BROADBAND antenna comparison table					
OTHER BUILDINGS in DESIGNATED AREAS					
Proposals	Option 1	Option 2	Option 3	Option 4	Option 5
Numbers of Antennas permitted	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p><b>FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>None permitted</li> </ul> <p><b>NON-FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>2 permitted</li> </ul>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p><b>FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>1 permitted</li> </ul> <p><b>NON-FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>2 additional antennas or 3 maximum</li> </ul>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p><b>FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>2 permitted (1 roof-mounted)</li> </ul> <p><b>NON FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>3 additional antennas or 5 maximum</li> </ul>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p><b>FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>3 permitted (1 roof-mounted)</li> </ul> <p><b>NON-FRONTING ANTENNAS</b></p> <ul style="list-style-type: none"> <li>Unlimited</li> </ul>
Size of antennas permitted	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p>Satellite Dishes -Sat. Dish: up to 130cm; 2<sup>nd</sup> dish up to 60cm</p> <p>(Chimney-mounted satellite dishes: - up to 100 cm max.)</p> <p>Other Antennas 1<sup>st</sup> antenna up to 130cm in any linear dimension and up to 35 litres cc (max vol). 2<sup>nd</sup> Antenna up to 50cm in any linear dimension and up to 35 litres cc (max vol). (Chimney mounted antennas up to 60cm or 35 litres cc (max vol).</p>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish: up to 130cm;</p> <p>-Subsequent Sat. Dish:- up to 90cm; (Chimney-mounted <b>satellite dishes-up to 100cm max.</b>)</p> <p>Other Antennas 1<sup>st</sup> antenna up to 130cm in any linear dimension and up to 35 litres cc (max. vol). <b>Subsequent antenna up to 60cm in any linear dimension and up to 35 litres cc (max vol).</b> (Chimney mounted antennas up to 60cm or 35 litres cc (max vol)).</p>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p>Satellite Dishes -Sat. Dish:- up to 130cm;</p> <p>-Subsequent Sat. Dish:- up to 100cm; (Chimney-mounted satellite dishes:- up to 100cm max.).</p> <p><b>Other Antennas</b> 1<sup>st</sup> antenna up to 130cm in any linear dimension and up to 55 litres cc (max vol). Subsequent antenna up to 100cm in any linear dimension and up to 35 litres cc (max vol). (Chimney mounted antennas up to 100cm or 35 litres cc (max vol)).</p>	<ul style="list-style-type: none"> <li>TV aerial(s) de minimis</li> </ul> <p>Satellite Dishes -1<sup>st</sup> Sat. Dish up to 130cm;</p> <p>-Subsequent Sat. Dish:- up to 100cm; (Chimney mounted satellite dishes: - up to 100 cm max.).</p> <p>Other Antennas 1<sup>st</sup> antenna up to 130cm in any linear dimension and up to 55 litres cc (max vol). <b>Subsequent antenna up to 100cm in any linear dimension and up to 35 litres cc (max vol).</b> (Chimney mounted antennas up to 100cm or 35 litres cc (max vol)).</p>
Siting restrictions of antennas permitted	None permitted	<p><b>Dishes/ Antennas should not be installed any higher than the highest part of the roof.</b></p> <p>Dishes/Antennas</p>	<p>Dishes/ Antennas should not exceed the highest part of the roof by more than 100cm.</p> <p>Dishes/ Antennas should not protrude more than 100cm above the highest point of the chimney stack.</p>	<p>Dishes/ Antennas should not exceed the highest part of the roof by more than 100cm.</p> <p>Dishes/ Antennas should not protrude more than 100 cm above the highest point of the chimney stack.</p>	<p>Dishes/ Antennas should not exceed the highest part of the roof by more than 200cm.</p> <p>Dishes/ Antennas should not protrude more than 100 cm above the highest point of the chimney stack.</p>

		<p>not permitted on a wall where they are both fronting and can be seen from a road.</p> <p>Dishes/Antennas not permitted on a chimney stack where they are both fronting, and can be seen from a road.</p>			
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