

PLANNING COMMITTEE – 5 JULY 2006

Report of the Chief Solicitor

Enforcement action in relation to the O2 Mast at Shoreditch Road, Taunton

Background

Members will recall that at the meeting held on the 14 December 2005 the Committee considered Counsel's advice in relation to proposed enforcement action against the telecommunications mast at Shoreditch Road, Taunton.

At that stage Counsel advised that prior to further action, the Council ought to serve a Planning Contravention Notice on O2 to establish the exact nature of what had been erected. The Council was also advised to identify and seek planning permission for an alternative site for the mast.

A Planning Contravention Notice was served and although the responses of O2 indicate that the mast as erected is in accordance with the deemed permission, the evidence on the ground is that this is not the case. The deemed permission is for a silver slimline monopole whereas the mast erected is bulkier and green in colour. It is considered sufficiently different to warrant the taking of enforcement action.

Specialist advice was also sought as to the possibility of an alternative siting for a mast which would still meet the technical demands of the existing mast as well as being acceptable in planning terms. A site was identified adjacent to the Motorway and Members will recall that at the meeting of the Committee on the 14 June 2006 permission was granted for a mast on this alternative site.

In the light of the above Members are therefore now in a position to consider what further action to take.

If an enforcement notice is served it is likely that O2 will appeal against the enforcement notice with a consequent Public Inquiry. If the Council is successful, the notice would require the current mast to be removed. It would however leave O2 with the option to erect a mast of the type that has deemed permission on the existing site.

However, the Council is now in a position to negotiate with O2 for the erection of a mast at the alternative site, which is owned by the Council, and might result in the relocation of the mast without the need to hold a Public Inquiry. If this course of action is not successful in securing the relocation of the mast, Members would still have the option of authorising discontinuance action requiring removal of the mast.

Recommendation

It is therefore **RECOMMENDED** that :-

1. The Solicitor to the Council be authorised to serve an enforcement notice on O2 requiring the removal of the unauthorised mast erected at Shoreditch Road, Taunton;
2. The Asset Holdings Manager be asked to instigate discussions with O2 as to an agreement being reached for O2 to erect a mast on the alternative site identified on Council owned land and for which planning permission exists; and
3. O2 be advised that the Committee are committed to securing the removal of the mast from the existing site and if the action currently proposed is unsuccessful, further consideration will be given to the service of a Discontinuance Notice.

Chief Solicitor

Contact Officer Judith Jackson Telephone number 01823 356409 or
e-mail j.jackson@tauntondeane.gov.uk