

## **PLANNING COMMITTEE - 14 DECEMBER 2005**

### **Report of the Chief Solicitor**

#### **Enforcement action in respect of the O2 Mast at Shoreditch Road, Taunton**

##### **Background**

Members will recall that at the meeting of the Committee on the 28 September 2005, the Committee resolved that subject to confirmation that a suitable alternative site was available, and as to advice concerning the likely level of compensation, a Discontinuance Order be served in respect of the O2 mast erected at Shoreditch Road, Taunton.

In order to progress matters, a report was requested from a Telecommunications Engineer who firstly identified that there was an alternative location, and secondly, that the mast as erected was not in accordance with the submitted plans.

Although of the same height, the mast that has been erected is thicker and different in colour from the submitted drawings. This raises an issue as to whether enforcement action would be a more appropriate course of action than discontinuance.

On the basis of this additional information, further Counsel's advice has been sought. The fact that the mast does not accord with the submitted plans adds a further dimension to the situation, and Counsel advises that in fact enforcement action may be appropriate.

However, prior to making a decision as to whether that is so, he advises that a Planning Contravention Notice should be served on O2 to ascertain the extent to which the mast does not comply with submitted plans. O2 have twenty one days in which to respond to such notices and a further report will be made to Committee following receipt and consideration of the responses.

Counsel also notes the fact that a suitable alternative location has been identified, which is relevant to the course of action the Council will ultimately pursue. In order to add certainty to this consideration, he advises that the Council should submit a planning application for the erection of the mast at the alternative site, or sites, identified by the Telecommunications Engineer. This will assist decisions relating to discontinuance and compensation.

##### **RECOMMENDATION**

It is therefore **RECOMMENDED** that Members:-

- (i) note the advice to date and that a Planning Contravention Notice will be served on O2.

- (ii) authorise the submission of an application for the erection of a telecommunications mast in an alternative position as advised by the Telecommunications Engineer.

Chief Solicitor

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