

Delegated Report

Telecommunications Works

Planning Application No: 20230426

Location: Telecommunications Station Park Place Gravesend Kent

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to install fixed line broadband electronic communications apparatus.

Applicant: Siraj Syed, Openreach

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Initial Email giving notice
Regulation 5 Notice Letter

Relevant Planning History

No Relevant Planning History

Proposed Development

This is a 28day notice application for:

Installation of 1 new 8m Light wooden

It is noted that the agent was contacted to clarify this proposal as it is not clear but no response was received.

Relevant Definitions:

The communications Act 2003 interprets the following terms as laid out below:

Apparatus

includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable;

Electronic Communication Apparatus

(a)apparatus designed or adapted for use in connection with the provision of an electronic communications network,

(b)apparatus designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network,

(c)lines, and

(d) other structures or things designed or adapted for use in connection with the provision of an electronic communications network

Officer's Analysis

Whether prior approval is required for the works would be assessed under the legislation within The Town and Country Planning (General Permitted Development) (England) Order 2015. Part 16, Schedule 2 of this details the requirements for Communications. Class A specifically addresses electronic communications code operators, which is applicable to this case. The requirements specific to this case are laid out in the table(s) below:

Class A – electronic communications code operators

A.1. Development not permitted: ground-based apparatus

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
1	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—	(See assessment below)
1(a)	in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;	Y
1(b)	in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;	Y
1(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25metres above ground level on article 2(3) land or land which is on a highway;	Y
1(d)	in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or	Y
1(e)	in the case of the alteration or replacement of a mast—	Y

	(i) the mast is on any land which is, or is within, a site of special scientific interest; and (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third	
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Development not permitted: ground or base area

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
7	Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than— • a mast; • an antenna; • any apparatus which does not project above the level of the surface of the ground; or • radio equipment housing is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres	N (The agent was contacted to clarify the ground base area but no response was received.)

Paragraph A.3(5) of, Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is as follows:

(5) The application must be accompanied by—

(a) a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;

(b) the developer's contact address, and the developer's email address if the developer is content to receive communications electronically;

(c) evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and

(d) where the condition in paragraph A.2(5A) applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the operator of the civil safeguarding area or defence safeguarding area, as the case may be, has been notified of the proposal.

The description of the development is not clear. It appears that the application relates to a wooden pole but without confirmation from the applicant, a decision cannot be made. The applicant was contacted via the email they provided to clarify on 10th May 2023. They have not responded.

Conclusion & Recommendation

There is insufficient information available to ascertain whether Prior Approval is required contrary to the requirements of Paragraph A.3(5) of, Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and without open communication from the planning agent there is no choice but to object to the scheme.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	19th May 2023	Dated:	19 May 2023