

From: Amery, Andrew [mailto:andrew.amery@gosport.gov.uk]

Sent: 27 July 2017 13:22

Subject: Electronic communications equipment at Chalk Lane/Broom Way Lee on Solent Hants PO13 9DS

Dear Councillors

As you will be aware we have been pursuing the removal of the 27.42m telecommunications mast erected at the junction of Broom Way and Daedalus Drive over the period 7,8 and 9 November 2016.

The mast was erected under 'emergency powers' as defined by paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984 as amended by the Communications Act of 2003. The mast was expected to be removed by 9 May 2016.

There has been a long established ability for mobile phone operators to install equipment on land under these emergency powers without the need for planning permission by virtue of the Town and Country General Permitted Development Order.

These emergency powers were originally included within Part 24 of Schedule 2 to the 1995 Order. In May 2015, when the Order was revised, these powers were transferred in full to Part 16 of the Order.

At the time of the erection of the mast in November 2016, Class A(b) of Schedule 2 to the Order stated that , 'the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use' was permitted development.

However, more recently, the government have further revised Part 16 by virtue of The Town and Country Planning (General Permitted Development)(England) (Amendment)(No 2) Order 2016.

This document now states that, 'the use of land in an emergency for a period not exceeding 18months to station and operate moveable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use' is permitted development.

Furthermore the explanatory note accompanying the revisions to the Order make it clear that where a mast was put up under the 6 month regulations and the emergency need remains, the period of time for existing masts is automatically extended from 6 to 18 months.

In this case the emergency case does remain as the former equipment was housed on buildings within Daedalus that have now been demolished and no suitable permanent location has been identified or approved for a mast. The mast also meets the technical requirements of being 'moveable' as it has not been physically fixed to the ground in manner that would require demolition or other engineering works to remove foundations or other fixtures.

Therefore, despite ongoing communication with the site operator, there are for the moment, no planning powers available to us to require the removal of the mast.

From my calculations, the 18month period they are allowed will expire in May 2018.

I understand there may be some local concern about the position we find ourselves in but I hope at least the above is helpful in providing the current planning position.

Yours Sincerely

Andrew Amery

Deputy Head of Planning (Development Management)