

EAST RENFREWSHIRE COUNCILPLANNING APPLICATIONS COMMITTEE7 August 2019Report by Director of EnvironmentTELECOMMUNICATIONS CABINETS AT POLNOON STREET, EAGLESHAM**1.0. INTRODUCTION**

- 1.1 This report is to update Members regarding the ground based telecommunications cabinets installed at Polnoon Street and to seek Members further instruction.

2.0 BACKGROUND

- 2.1 Planning application 2018/0551/TP for ground based telecommunications cabinets (in retrospect) was refused against recommendation by the Planning Applications Committee on 16 January 2019. The cabinets in question, which comprised a DSLAM and PCP with a side pod to provide superfast broadband to the village, had been installed on either side of the footpath into The Orry opposite 1 and 1A Polnoon Street. The Planning Applications Committee also authorised enforcement action be taken to remove the cabinets.
- 2.2 The agent for application 2018/0551/TP was advised of the refusal of planning permission and that enforcement action had been authorised. At the same time, the agent was asked to consider what the applicant intended to do regarding the cabinets and/or the refusal of planning permission.
- 2.3 The applicant had until 16 April 2019 to appeal the refusal of planning permission to the Scottish Ministers however this appeal was not submitted.
- 2.4 Prior to the expiry of the appeal deadline, the Development Management Service had been in communication with Openreach regarding their intentions for these cabinets. Development Management advised Openreach that it may be acceptable if the cabinets were relocated to the position approved under 2016/0601/TP, although it was noted that the type of cabinets would be reversed from the positions agreed. A new DSLAM cabinet was installed by the end of April 2019 adjacent to the Polnoon Street street name sign and this is to replace the DSLAM cabinet adjacent to the footpath into The Orry (on the right hand side as viewed from Polnoon Street).
- 2.5 This DSLAM cabinet (adjacent to the footpath into The Orry) is a shell and will be removed by the end of July 2019 when it has been de-powered.
- 2.6 Disappointingly an additional side pod was attached to the PCP cabinet in mid May 2019 (on the left hand side as viewed from Polnoon Street). Openreach erroneously thought this was permitted development.
- 2.7 A meeting took place on 27 June 2019 between the Development Management Service and the Senior Project Manager of Openreach to work towards a satisfactory solution. A representative of the Scottish Government attended this meeting as the delivery of superfast broadband is a Government initiative.

2.8 Openreach has indicated possible options to maintain the broadband service as follows.

Option 1: the re-positioned DSLAM cabinet and the PCP cabinet with the two side pods are to stay in their current location and Openreach understand that a retrospective planning application would need to be submitted for consideration.

Option 2: to re-position the PCP cabinet with the two side pods 2m to 3m closer to the street name sign and Openreach again understand that a planning application would need to be submitted for consideration for this as well as the re-positioned DSLAM cabinet.

Option 3: to re-position the DSLAM cabinet and PCP cabinet with the two side pods to the position/configuration approved under 2016/0601/TP.

3.0 ISSUES

3.1 In terms of Options 2 and 3 there are implications for the delivery of broadband services to customers and are technically complicated. It should be noted that the two side pods on the PCP cabinet are “live” and are required to provide service to approximately 384 households.

3.2 Openreach has indicated that Option 2 is a complicated engineering solution although disruption to customer service is likely to be low. It has been indicated this would involve a 3 week lead in time before the construction and a total build time of no more than 2 weeks. Once completed the downtime may be a few minutes as they transfer between cabinets.

3.3 Openreach has also indicated that Option 3 is also a complicated engineering solution and the risk to customer service is huge. It has been indicated this would involve a 5 week lead in time before the construction and a total build time of 4 weeks. This would involve building DSLAM and PCP cabinets in temporary locations and customers transferred to these while the cabinets are re-positioned.

3.4 If an enforcement notice is served as per the PAC’s instruction in January 2019 the notice would require the complete removal of the unauthorised cabinets. From the information we have from Openreach, this would result in the loss of Egelsham’s superfast broadband service.

3.5 It should be noted that there is a right of appeal to the Scottish Ministers against the service of an enforcement notice and that Scottish Planning Policy emphasises support for the Scottish Government’s commitment to world class digital connectivity. The importance of digital connectivity to both homes and businesses is increasing and significant interruptions to supply may not be acceptable to many households already contracted to BT and other suppliers.

4.0 RECOMMENDATION

4.1 Members are asked to note the above and to indicate whether:

- 1 they wish to proceed with enforcement action or
- 2 which option above would be acceptable to pursue with Openreach, subject to the necessary planning applications being submitted and considered.