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INFORMATION IN SUPPORT OF APPLICATIONS FOR PRIOR APPROVAL

This document is issued by Infocus Public Networks Ltd and is intended to accompany applications for prior approval in respect of electronic communications apparatus to be placed on the Highway under the electronic communications code. Infocus is an electronic communications code operator which was granted the electronic communications code by the Office of Communications (Ofcom) in February 2009.

Infocus has therefore been granted statutory powers to place and maintain electronic communications apparatus on the Highway.

The document has been produced in order to provide additional information of a general nature to assist Local Planning Authorities in the processing of these prior approval applications in accordance with the Regulations¹ and the Guidance to which it refers.

These applications are for prior approval for the installation and maintenance of modern public payphone kiosks (PCBs) on the Highway. They are of a modern design and unlike the traditional type of PCB they are suitable for use by persons with a disability. They can accommodate access for wheelchairs and are compatible with disability legislation.

They are powered by solar energy and rely on mobile phone technology for connection to other networks. No invasive installation on either the pavement, or the adjacent highway will therefore be necessary

It should be noted that the Regulations¹ and the Associated Guidance from Government² are concerned principally with radio masts and neither document makes significant reference to PCBs.

As is made clear in paragraph 3 of the Annex to the Guidance, this is neither a notification, nor is it an application for planning permission. It is Permitted Development subject only to the conditions set out in paragraph 3A of the Regulations.

Government policy in respect of electronic communications apparatus and as set out in the Guidance is to facilitate the introduction of new telecommunications services and to ensure insofar as possible that people have choice in which provider they decide to use to provide such services. The Guidance makes it clear also that Local Planning Authorities should not seek to prevent competition as

1 The Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2001: S.1. 2001/2718

2 Planning Policy Guidance 8: Telecommunications: Issued by the Department for Communities and Local Government August 2001

between operators, indeed it says also that the planning authorities should not question the need for the telecommunications system which the development is to support.

Applications for prior approval submitted to Local Planning Authorities will include the documentation required by Paragraph A.3(4)(a) of the Regulations. Since most of the applications are for the placing of the electronic communications apparatus on the Highway in accordance with the powers granted to the Company by the electronic communications code, they do not require that the landowner should be informed in advance.

Following a number of successful appeals against the refusal of Local Planning Authorities to grant prior approval for the installation of payphones by Infocus, the applicants have looked carefully at these decision letters and when selecting suitable sites have done all that they can to ensure that the criteria applied by Planning Inspectors when deciding these appeals have been taken into account.

This memorandum is submitted with each application simply to assist Local Planning Authorities to deal with these prior approval applications

The maps supplied with the application are a standard OS map of a scale of 1:200 and 1:1250. The 1:200 map has an open sided square with a K in it to denote the kiosk location. The open side is the entrance and is always facing away from the kerb. The lengths which are on the 1:200 map are superimposed on the 1:1250 map

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