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Dear Sirs,

**Government Consultation on relaxing the restrictions on the deployment of overhead telecommunications lines**

I write to outline Hull City Council's response to the above consultation on the above.

This Council is broadly supportive of the existing restrictions imposed by the Electronic Communications Code (Conditions and Restrictions) Regulations 2003. The increased use of the 'prior approval' process rather than the usual planning application process is not favoured. Clearly above ground cabling is more visually intrusive but where existing telecommunication lines are below ground it is likely further works would remain underground.

The Council consider it essential further lines are laid below ground to combat against the risk of metal theft. The City has experienced recent metal thefts across the city which has caused disruption to power supplies. The Council recognise if fibre optic cables were laid this would minimise the risk of theft but as the consultation does not prescribe the material to be used the expectation is much will be metal.

The Council's detailed comments are set out below.

**Question 1 - Approximately how much of network will be built using this relaxation, and are the cost and benefit estimates in the impact assessment accurate?**

Not a question for the LPA to consider

**Question 2. Do respondents agree that existing infrastructure should be used, if possible, before new overhead deployment can take place? Do respondents agree that communications providers should be required to demonstrate that sharing of existing infrastructure has been examined?**



Yes. It is essential for visual amenity purposes that the number of poles/masts and overhead lines is minimised. A proliferation of such equipment could significantly impact on the quality of the environment in all areas, even with restrictions in place in more sensitive locations eg conservation areas. It would assist the process if the developer had to identify the locations of the nearest telecommunications infrastructure and only be able to use overhead lines where a specified distance from underground cabling exists, this is essential as it would be beneficial to avoid the situation of very short lengths of above ground cabling occurring just to minimise costs. Within a dense urban area such as Hull we would expect virtually all cabling to be below ground to avoid a major visual impact.

**Question 3. Do respondents believe that notification and consultation of planned works in local newspapers and through a qualifying body such as a Parish Councils or Neighbourhood Forums, where one exists, to be sufficient?**

No. There are no parish councils in Hull, and at present there are no neighbourhood forums. Consideration should be given to tailoring consultation to specific circumstances, including, in Hull. Local Ward Members and Area Committees. This could be agreed between the operators and the LPA prior to consultation taking place.

The imposition of a less restrictive environment for the laying of broadband lines appears to be being imposed centrally. The Council consider that in the spirit of localism it should be left to the discretion of Local Planning Authorities to determine if a less restrictive position is necessary or not and as a result consider the proposed change to be unnecessary.

**Question 4. Do respondents believe this notification and consultation would place a significant and onerous burden on communications providers that may be planning these works? If so, what level of cost or burden is envisaged to the Communications Provider?**

Not in compact areas such as Hull, where the number of bodies to consult would be minimal. In rural areas, where overhead lines could cover several different areas and be many miles long, the cost could be more significant. No comments on level of cost.

**Question 5. We are committed to amending the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 in order to relax the rules on new overhead deployment but would welcome feedback on any aspect of the proposals as to how this should be achieved outlined in the consultation.**

The relaxation to allow use of overhead lines rather than underground lines is likely to add a considerable burden to LPAs processing applications for 'prior approval'

determinations, and where permitted development rights cannot be exercised eg in conservation areas, in dealing with additional planning applications.

The 'prior approval' process is inherently flawed in that consent is deemed to be granted if the LPA does not respond within the specified time, which already creates problems of timing in dealing with mobile phone masts currently, and is a source of community disquiet in many instances. Adding significantly to the number of proposals which need this process to be followed would not be favoured, and the proposals should be subject to the usual need for planning permission.

Whilst there would be restrictions within conservation areas it is considered a buffer should be provided around conservation areas in which planning permission would be required for overhead lines due to the impact unsightly development can have on a conservation area even when not located within one.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Alex Codd', written over the typed name.

**Mr Alex Codd**  
**City Planning Manager**

