

21 February 2012

Our ref: 11-12-060

Your ref:



Mr P McDougall  
Department for Culture, Media and Sport  
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Dear Mr McDougall

**Consultation on Relaxing the Restrictions on the Deployment of Overhead  
Telecommunication Lines**

Please find attached Natural England's response to the above consultation. If you have any queries or wish to discuss this further please contact me at [katie.sellek@naturalengland.org.uk](mailto:katie.sellek@naturalengland.org.uk), telephone 0300 060 1107.

Yours sincerely

A handwritten signature in black ink, appearing to read "Katie Sellek".

Katie Sellek  
Senior Specialist (Landscape and Planning)  
Land Use Strategy and Specialists Unit

# Consultation on Relaxing the Restrictions on the Deployment of Overhead Telecommunications Lines

## Natural England Response February 2012

### Introduction

Natural England has been charged with the responsibility to ensure that England's unique natural environment including its flora and fauna, land and seascapes, geology and soils are protected and improved. Natural England's purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### Response to Consultation Questions

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

- It seems likely that loss of visual amenity would be one of the most significant costs. We accept that it would be disproportionate to attempt to monetise this cost, but even the text included suggests that it would be large on a national basis.
- Any significant change to the impact on biodiversity and ecosystem services should also be considered in the Impact Assessment (IA). Negative impact could be potentially greater or smaller using overhead lines as opposed to buried lines.
- It is a feature of the IA process that costs and benefits which can be monetised appear on the front page, and can therefore be given disproportionate weight compared to those which cannot. However, it would be helpful if greater weight could be given to the main costs and benefits in the text, including a clearer spelling out of their significance in the non-monetised costs and benefits summary page.
- There is no mention of the possible impact of climate change on maintenance costs due to increased extreme weather conditions.

*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?*

- Natural England agrees that existing infrastructure should be used if at all possible before overhead deployment takes place and that Communications Providers (CPs) should demonstrate that sharing existing infrastructure has been examined. However we have concerns over how this will be implemented and would like to see greater clarity provided in the Operator's Code on what process or targets the CPs must undertake to show that sharing existing infrastructure has been properly explored.

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

- Natural England welcomes the proposals for community consultation and believes that the above process is the minimum that should be undertaken. We would like to see the Operator's Code give greater clarity on how community responses will be incorporated into proposals for overhead lines.

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?*

- We do not believe, taking into account the unknown impact that overhead lines could have on communities, that the notification and consultation process places an onerous burden on CPs.

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.*

- Natural England welcomes the intention to exclude National Parks, AONBs, the Broads and Sites of Special Scientific Interest (SSSIs) from the proposals and that planning consent for overhead telecommunication lines will continue to be required in these areas. However, to comply with the duty of regard to the purposes of designation of National Parks and AONBs that applies to CPs, it should be noted that this applies to activities not only on land within the designation, but also on land 'affecting' the designation. This means that CPs must consider the impact of overhead transmission lines in areas around designated landscapes on the purposes of designation and this should be reflected in the Operator's code to ensure that the duty of regard is complied with.
- The consultation does not adequately recognise the impact of the proposals on the character of the landscape outside of designated areas and further assessment is required on the potential landscape character and visual assessment impacts. Ways that the Operator's code could do more to enable CPs to avoid or mitigate impacts need to be considered.
- Overhead lines adjacent to SSSIs can pose significant risk to birds if they cross flight lines into or out of an SSSI. These problems can usually be remedied if our advice is sought. We therefore recommend that the Operators Code is clear that for all applications within 2km of a SSSI, the Communication Provider must contact Natural England for guidance. (Reference in the consultation to 'areas of special scientific interest (SSIs)' is incorrect. The correct name is Sites of Special Scientific Interest (SSSIs)).

Natural England  
February 2012