

RELAXING THE RESTRICTIONS ON THE DEPLOYMENT OF OVERHEAD TELECOMMUNICATIONS LINES

A response by CPRE to the Department for Culture, Media and Sport consultation

February 2012

Introduction

1. The Campaign to Protect Rural England (CPRE) welcomes the opportunity to respond to this consultation. We work to promote and protect the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources. Our 43 county branches and over 200 district groups engage regularly with local authorities to inform and influence planning decisions.
2. Our 2026 Vision for the Countryside has a central theme of promoting new life in the countryside, and states that in 2026 'many more people live and work in the countryside, and visit it for pleasure. Rural communities are stronger and more diverse...with improved access to services, including local shops, post offices and schools, people no longer travel long distances to meet their basic needs'. We therefore support the Government's stated ambition for the UK to have the best superfast broadband network in Europe by 2015, provided it is developed in ways that avoid or minimise visual damage to the countryside.
3. CPRE promotes the role of spatial planning as an instrument of environmental protection, including minimising and reducing the overall levels of clutter in the countryside. Across the UK there are around 3.5 million telegraph poles supporting 9,750,000 miles of overhead wires on the BT Openreach network, and in many rural locations these poles and wires have a significant, and often detrimental, visual impact.
4. We note that the consultation paper draws a link between the proposals and the proposed presumption in favour of sustainable development, mentioned in the 2011 Plan for Growth and subsequently expanded on in the draft National Planning Policy Framework (NPPF), issued for consultation in July 2011. The close involvement of CPRE in debates around the development of the NPPF has informed our response to this consultation.
5. Our detailed response to the consultation questions follow below.

Response to the consultation questions

1. *Approximately how much of [the] network will be built using this relaxation, and are the cost and benefit estimates in the impact assessment accurate?*
6. CPRE is gravely concerned that the cost and benefit estimates in the impact assessment make no attempt to include a value for the costs to visual amenity that may result if the proposed relaxation of the existing requirement to underground all telecommunications lines is brought into force. As a result the picture of benefits presented is, in our view, highly distorted. Only one reference, a 2001 study for National Grid, is cited on public willingness to pay for the avoidance of visual impact. We agree that values reported from this study should not be used in the cost comparison tables, as the overhead lines typically used by National Grid are strung on 50 metre high pylons rather than the much shorter telegraph poles typically used for overhead telecommunications lines. But wide-ranging

research has been carried out since 2001 on public willingness to pay for the removal of lower voltage electricity distribution lines, and such lines are often carried on similar size poles to telecommunications lines. In CPRE's view, this makes the underpinning studies for distribution lines an appropriate comparator for telecommunications lines. We recommend that DCMS updates its impact assessment to refer to the more recent literature, which may provide a workable willingness to pay value¹.

7. The studies on distribution lines have generated clear evidence of public willingness to pay for the absence of overhead lines in nationally designated areas, and have resulted in an allowance created by the electricity regulator Ofgem, funding the removal of 223 km of overhead electricity lines and poles since 2005. We are aware of and welcome the proposal that the proposed deregulation will not apply in nationally designated landscapes. But we believe that what should apply in nationally designated areas should also apply in other areas of countryside which might be considered to be equal in terms of landscape quality to nationally designated areas. CPRE has no comment as to how much of the network will be built using the relaxation, but we are concerned that without a sufficiently strong encouragement to share equipment, there is a significant risk of unnecessary duplication of existing overhead infrastructure in rural areas under the proposed regulations. This in turn would have a significant impact on visual amenity.

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?

8. CPRE would strongly welcome an approach to new telecommunications development that requires the sharing of existing infrastructure where possible, and for providers to be required to demonstrate that this option had been thoroughly explored. We note the parallels here with Government proposals in the draft NPPF to expect existing masts, sites and structures to be used for new communications infrastructure, unless the need for a new site has been justified². CPRE has welcomed this aspect of the NPPF in our response to the consultation on that document. We do not believe, however, that the proposed approach to telecommunications lines in the DCMS consultation paper has sufficient clarity to ensure that these approaches are followed in practice. As set out below, we believe that there should be stricter requirements governing consultation and decision-making in cases involving new overhead lines, in order to ensure that operators do use existing infrastructure wherever possible.

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?

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?

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.

9. CPRE does not believe that the proposed notification and consultation procedures, as set out in the consultation paper and draft revised Regulations, are sufficiently clear or robust. We note that the proposed relaxation of the requirement to run lines underground

¹ For an up to date literature review see *Review of company surveys on consumers' willingness to pay to reduce the impacts of existing transmission infrastructure on visual amenity in designated landscapes*, Final report by London Economics to Ofgem, September 2011. Downloaded from www.ofgem.gov.uk.

² Department for Communities and Local Government, Draft National Planning Policy Framework (NPPF), July 2011, paragraph 96.

will not apply in National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest; and that the draft Regulations attempt to encourage developers to use existing infrastructure, as a new line requires notification and consultation with communities at a parish or neighbourhood level. But the proposed notification and consultation requirements are considerably less than is required, under existing regulations, for new poles under 15 metres in height (see table below). CPRE believes that the proposed change is both potentially damaging and confusing, as well as unnecessary. The existing Electronic Communications Code already allows for operators to erect new overhead lines without applying for planning permission, provided they are placed on other operators' poles; and as the consultation paper (paragraph 3.3) suggests, the existing Openreach network already serves most if not all rural communities.

10. We recommend that, at the very least, the regulations should require that a proposal for new overhead lines should spell out clearly:

- the relationship of any parish or neighbourhood consultation process to the existing prior approval procedure for poles - i.e. whether it should take place before, after or at the same time as an application for prior approval takes place; and
- the scope for communities to control siting and design in order to protect important visual amenities. The consultation paper refers approvingly to neighbourhood plans; giving community groups influence over siting and design of lines would ensure that neighbourhood plans that wished to minimise clutter could be enforced.

11. We would also suggest that guidance could be usefully produced on how new broadband networks could be rolled out in rural areas in a visually acceptable fashion. Our 2004 briefing *Telecommunications Development* reproduces existing Government guidance (from Planning Policy Guidance note 8 *Telecommunications*) on the prior approval procedure. This guidance will no longer be retained by Government if the NPPF is adopted in its current form. We have forwarded a copy of the briefing with this response. We would be keen to discuss with DCMS elements of the guidance that could be usefully retained in the future, and how such guidance might be sponsored and updated.

CPRE, February 2012

Comparison between proposed procedure for telecommunications lines and prior approval procedures for mobile phone mast development	
<i>Prior approval procedure for telegraph poles under 15m in height (Town & Country Planning [General Permitted Development] Order 1995, Part 24</i>	<i>Proposed new procedure for telecommunications lines</i>
Developer applies to local planning authority	Consultation with local planning authority (in the existing Section 3 of the Electronic Communications Code); developer provides notification to parish council or neighbourhood forum for both the place and the adjoining area
Application available to view on local planning register; notification to statutory consultees including parish councils; notice in newspaper; site notice or neighbour notification	Notice in newspaper; notice in writing to parish council or neighbourhood forum for both the place and the adjoining area
Local planning authority decides whether prior approval is required and, if so, whether or not to grant it, allowing control over siting and design though not principle of development. Any relevant representations should be taken into account	Developer decides whether to go ahead with proposal, with a summary of representations and reasons for the decision