



RTPI

mediation of space · making of place

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21 February 2012

Peter McDougall
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Email response sent to: pete.mcdougall@culture.gsi.gov.uk

Dear Mr McDougall,

Response to: Consultation on relaxing the restrictions on the deployment of overhead telecommunications lines

Thank you for the opportunity to respond to the above consultation. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

We agree that the use of overhead lines for providing additional broadband access could bring economic benefits to areas currently without such access subject to there being no overriding visual concerns, which can also confer economic benefit to the an area. The RTPI's vision for planning encourages such catalysts for economic recovery and recognises that this would play an important part in reducing the need for travel and promoting more sustainable and efficient ways of doing business.

We have set out our response to the consultation questions below. If you require further assistance, have any queries relating to the enclosed or require clarification of any points made, please contact Jas Mahil on 020 7929 9466 or email jas.mahil@rtpi.org.uk.

Yours faithfully,

(unsigned email copy)

Richard Blyth
Head of Policy and Practice

Consultation Questions

Q1. Approximately how much of network will be built using this relaxation, and are the cost and benefit estimates in the impact assessment accurate?

Neither agree nor disagree

We cannot offer a response relating to the costs provided in the impact assessment as we have not undertaken a comparable assessment.

Q2. 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?

Agree

We agree that existing infrastructure should be used before new overhead deployment can take place and that communications providers should be required to demonstrate that sharing of existing infrastructure has been examined. This will particularly apply where there are existing underground ducts; the assumption should be that where there are ducts they must be used.

We consider the re-use of existing infrastructure to accord with our commitments to managing climate change and encouraging sustainable development. It will also reduce visual clutter and the overall impact of proposals.

By demonstrating that the sharing of existing infrastructure has been examined, communications providers can enter into an open conversation about their proposals and bring forward meaningful engagement with local communities.

We also believe that opportunities for delivering communications infrastructure jointly with other national infrastructure provision should be explored.

Q3. 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?

Disagree

We disagree that this would be sufficient. We welcome the inclusion of community groups, qualifying bodies and Parish Councils however; this may discriminate against residents of unitary authorities or other districts where such groups are not statutory or well established. Communications providers should engage directly with local residents, neighbours and stakeholders through site notices and direct mail, which is inline with the best practice published by many Local Planning Authorities' (LPA's) in their pre-application consultation guidance. This requirement for direct mailing and site notices allows for a strengthened iterative process between the communications providers and the local community, to outline the proposal, take on board comments and then demonstrate how those comments have changed the design (if at all). Then the communications providers can demonstrate this process during the planning approval stage, where required. There is a risk that the 42 days notification period may not be sufficient to fit in with the committee cycle of a Parish Council or qualifying authority, to provide adequate notice for all representations to be made and distilled. Therefore, the addition of direct mailing will create a direct route for the communications provider.

We think this additional consultation is particularly important in Scotland, where more telecommunications works are permitted development when compared to England and Wales or

Northern Ireland. This is due to the planning permission and permitted development regimes differing in relation to telecommunications development. In Northern Ireland, full planning permission is required for telecommunications development, so the full statutory consultation process will apply with site notices, letters to neighbours and potentially adverts in the press. In England and Wales a prior approval process is in place, where a similar level of statutory consultation is required. Whereas in Scotland, communications equipment benefits from greater permitted development rights and limited notification to LPA's and the local community is required.

We are cautious about encouraging over-consultation but consider that the standard best practice of sending letters to neighbouring occupiers, directly affected land owners, in addition to a site notice, advertisement in the local press and engagement with local groups would be sufficient. Guidance can be sought from the LPA, if required, about the levels of consultation which is expected in that locality. In addition the web and social media should also be used in the consultation process.

Q4. 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?

Disagree

We do not consider that our proposals for additional pre-application consultation would be unacceptably onerous on communications providers. The ability to use existing infrastructure over-ground or new over-ground infrastructure offers significant savings to having to provide the same infrastructure underground, as outlined in the accompanying impact assessment provided with the consultation. The addition of some extra consultation would still offer an overall saving to the existing regime. The suggested level of consultation is best practice and is a cost easily absorbed by large companies, which already have significant customer service departments and experience in customer relations.

Q5. 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.

We welcome the proposals to include community consultation, encouragement to use existing infrastructure and the protection afforded to built heritage.

Having looked at the drafting of the relevant revised regulations, we would encourage that all statutory listed buildings are excluded from having lines affixed to them under regulation 4(1) (b), in addition to Conservation Areas, in order to protect important heritage assets and character areas. Additionally it should be provided that equipment or lines should not affect the setting of listed buildings or the openness of Green Belts. Impact should also be avoided on other designations sites including but not limited to; National Parks, Scheduled Monuments and Gardens and Designated Landscapes in Scotland.

Within any accompanying guidance we would encourage communications providers to actively engage with LPA's in advance to discuss their plans as part of a strategy, rather than many individual proposals, as is encouraged in paragraph 57 of Planning Policy Guidance 8: Telecommunications (England), paragraph 251 of the "Statement of the Scottish Government's Policy on Nationally Important Land Use Planning Matters" (Feb 2010), paragraph 49 of TAN19: Telecommunications (Wales) and the advice contained within Planning Policy Statement 10: Telecommunications (Northern Ireland). This will allow a much more meaningful and planned engagement with the local community and stakeholders. It will also provide greater certainty for the communications providers, knowing where they may encounter problems with the design and roll out process.