



Chilterns Conservation Board response on the DCMS consultation: Relaxing the restrictions on the deployment of overhead telecommunications lines

Conservation Boards

A Conservation Board is a statutory independent corporate body set up by Parliamentary Order under the provisions of Section 86 of the Countryside and Rights of Way (CRoW) Act 2000.

Section 87 of the CRoW Act sets out the purposes of a conservation board as:

- a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and
- b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty

But if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).

Furthermore “A conservation board, while having regard to the purposes mentioned in subsection (1) [of Section 87], shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.”

Section 85 of the CRoW Act states under “General duty of public bodies etc”

“(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

The Board is grateful for the opportunity to comment on the document that has been published and trusts that its comments are taken on board. The attached response has been prepared by Colin White, Planning Officer, under delegated powers and will be presented for approval to the Conservation Board’s Planning Committee which meets on 16th May 2012. If any further comments are made at that meeting they will be duly forwarded.

Should you require any further information do not hesitate to contact the writer. Please note that the Board has only commented on those elements of the document that are considered to have implications for the Chilterns AONB and the need to conserve and enhance its natural beauty.

Response of the Chilterns Conservation Board

1. The Board welcomes the Government’s intention to improve the country’s high speed broadband network because such communication can be vital for the operation and success of some rural businesses. However, whilst the Board

supports the principle of providing high speed broadband to rural areas, we believe that it is in the greater long term public interest to conserve and enhance our natural and historic assets by placing both communication and power cables underground, particularly within National Parks and Areas of Outstanding Natural Beauty and their settings. It is encouraging that Government supports this through its actions.

2. The Board considers that the Section 85 duty mentioned above applies to both DCMS and telecommunications code systems operators. The duty appears to be recognised by DCMS when referring to the continuing need for planning applications to be submitted for poles and wires within AONBs (see paragraph 3.5 of Section 1). The requirement to apply to a local planning authority to determine whether prior approval is needed also remains (paragraph 2.3 of Section 2). This provides the Board with some comfort. However, the consultation document mentions that the provision of broadband in rural areas may be regarded by the operators as 'not economically viable' and the change to Regulation 4 brings in a financial test (see 1A[a]) which is not normally a planning consideration. This is a worrying development particularly as AONBs are invariably rural in nature and the cost of provision may be higher. This is compounded because whilst paragraph 3.4 of Section 1 states that 'new overhead infrastructure can only be erected if existing infrastructure cannot be shared' this is not borne out in the revisions to the regulations which then also introduce the financial test detailed above as an alternative.
3. Paragraph 2.5 of Section 2 recognises that some pole development may be necessary in order to have better connectivity. At the same time communities felt that 'full consultation' should take place for such installations. The Board concurs with the view that full consultation should take place and also considers that any proposal should include a thorough assessment of all alternatives (including undergrounding) that have been considered and dismissed.
4. Full consultation has been interpreted by DCMS as applying only to the directly affected communities by requiring consultations only with 'relevant councils and qualifying bodies'. Qualifying bodies are defined in Section 61E of the 1990 Town and Country Planning Act as 'a parish council or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development order to act in relation to a neighbourhood area as a result of Section 61F'. The various AONB management bodies (Conservation Boards, Joint Partnerships and Joint Committees for example) are not included here and would not therefore be consulted on any proposals within their areas as a matter of course. The Board therefore considers that AONB management bodies (in all their forms) should be included as part of any consultation within an AONB or its setting. This would require an amendment to the amended regulation.
5. The Board considers that it will be difficult to challenge any proposal based on its commercial viability or otherwise and thinks that this element (1A[a]) should be removed from the revisions that have been published as it introduces something that is not normally a planning consideration.
6. The Board considers that some of the wider benefits of placing cables underground have not been properly addressed as part of the preparation of the revised regulations. Such benefits include not just reduced landscape impacts but also the fact that underground cables are not vulnerable to the weather, tree damage or vehicular damage for example.

7. Paragraph 3.7 in Section 3 states that 'telegraph poles and other overhead infrastructure is a common and often necessary feature across the landscape'. The Board considers that this statement is ill thought out. We consider that telegraph and other utility poles and pylons are generally intrusive, incongruous and inappropriate features in the landscape.