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Dear Mr McDougall

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

Thank you for the opportunity to comment on the proposals for relaxing the restrictions on the deployment of overhead telecommunications lines. I am writing to make the following officer comments in response to the 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?*

At this stage, we do not know how much of the network will be built in Derbyshire as a result of relaxing restrictions on overhead telecommunications lines. The costs and timescales for delivering superfast broadband will remain as estimates until the necessary telecommunications infrastructure is provided.

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?*

Wherever possible, existing infrastructure should be used; in most cases this option will have the least environmental impact. However, in sensitive locations where replacement/new infrastructure would be more sympathetic in standard and style to what currently exists (for example where cables run across the faces of listed buildings) it may be more appropriate to provide new more sympathetic infrastructure.

It is expected that the proposed relaxation on restrictions will encourage the provision of new overhead infrastructure because it is the cheaper option. However, more should be done to utilise existing underground infrastructure. Communications providers should therefore be required to demonstrate that they have first explored sharing existing infrastructure before proposing replacement/new infrastructure. Where new infrastructure is proposed, this should be sympathetic in style and design, especially in sensitive locations.

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?*

Communication providers need to engage much more widely to ensure full and proper consultation and engagement. Whilst publication in local newspapers is a useful method of engagement, we are concerned that Parish Councils and Neighbourhood Forums may not have sufficient resources and expertise to effectively assess the cumulative impacts of planned works objectively. Therefore Local Planning Authorities, Highway Authorities, the Environment Agency, Natural England, English Heritage and Civic Societies must also be listed as consultees.

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?*

Communication providers should be required to engage fully with local communities and relevant partners. This should not be viewed as a burden, but as a positive mechanism in delivering improved or new infrastructure in an efficient, sensitive and cost effective way. Early consultation, especially with Local Planning Authorities, would help to reduce costs as sensitivities could be highlighted early on in the process. Requiring full and proper consultation will help to ensure that utilising existing infrastructure remains the easiest and cheapest option for providers. For its part, Derbyshire County Council will always handle such notifications and consultations speedily and offer whatever help and support it can within available resources to resolve planning related issues.

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.*

Some relaxation of the regulations may be acceptable although there is concern that issues such as visual impact have not been sufficiently considered. Whilst these types of schemes are unlikely to trigger a requirement for an Environmental Impact Assessment, they will still have a cumulative and incremental impact on visual amenity. It is not certain that Ofcom is the most appropriate body to assess the visual and environmental impact of schemes.

It is therefore important that communities, businesses and Local Planning Authorities all have a role in the process to ensure that overhead infrastructure does not become the default easy option or industry standard. Providers should be encouraged to utilise existing (underground) infrastructure before considering alternative options.

Yours Sincerely



Harriet Fisher

