



Digital Economy Bill

Factsheet – Digital Infrastructure

(clauses 4-14)

What are we going to do?

- enable more investment in UK infrastructure, better network connectivity, and a wider choice and quality of digital communications services for consumers
- make better use of radio spectrum to ensure we have capacity for growing demand
- make the planning system fit for purpose to help roll out digital infrastructure

Minister for the Digital Economy, Ed Vaizey, said:

“There has been a profound shift over the last decade in the way citizens approach and access digital communications. What was once seen as a luxury is now a basic need.

“Our overall package of reforms strikes the right balance of interests between site providers, communications providers and most importantly, the public interest in ensuring communications service meet the needs of UK citizens in the digital era.”

How are we going to do it?

- reform the Electronic Communications Code, to deliver better coverage in rural areas through greater investment and faster rollout of mobile and broadband infrastructure
- make it easier for communications providers to have access to land - moving to a “no scheme” valuation system more akin the regime enjoyed by utility providers
- protect landowners by strengthening the “access principle” and requiring communication providers to pass a public interest test
- clarify roles and responsibilities for all parties that use the Code, helping commercial agreements to be reached more easily and disputes to be resolved more quickly
- make it easier for digital communications companies to upgrade and share their equipment and get faster access to maintain sites
- work with industry and Ofcom to develop a Code of Practice to ensure effective implementation of new rights.
- powers for Ofcom to use new technologies to better manage spectrum and make it easier for different users to share spectrum



- make it easier to install broadband cabinets, overhead lines and poles in all areas except Sites of Special Scientific Interest (SSSIs) by making regulations introduced in 2013 for a period of five years to be made permanent.

Background

ECC: The Electronic Communications Code (the Code) regulates the relationship between communications operators and landowners. The Code has been heavily criticised for being out-dated and not fit for purpose. The cost of rolling out digital communications infrastructure is significantly higher when compared to utilities providers. High costs can act as a barrier to greater investment and better network coverage

The revised Code is the result of 5 years of detailed work by the Law Commission, independent experts and the government, including consultations and detailed economic analysis

Spectrum: Spectrum is the radio frequencies that are used to provide many important wireless services in the UK, such as the emergency services, the mobile phone networks, television broadcasting and many more. Demand is growing, driven by new technologies like 5G, autonomous vehicles, and the “internet of things” such as smart lampposts and other connected objects. The bill provides for better spectrum management to enable more capacity

Planning: The planning changes were first introduced in 2013 to help speed up the deployment of fixed broadband infrastructure by reducing the time and costs associated with obtaining planning approvals, incentivise further investment and to support the government’s objective of making digital connectivity available as quickly and as widely as possible

A recent review of the impact of these planning relaxations show that they have worked successfully and that there is a continuing need for them. Superfast coverage is currently at 90 per cent of UK premises but there is further to go. A siting code of practice was also introduced in 2013, developed by communications providers and planning authorities in order to safeguard against poorly sited infrastructure. This was recently independently reviewed and the evidence shows a high level of awareness of the Code and compliance with its principles.

Key Questions and Answers

- **Why is the government making changes to the basis of land valuation?**
The nature and role of digital communications has changed radically since the Code was established in 1984. Digital connectivity is essential to our economy and society. Real change is needed to expand UK networks faster and further to help deliver a digital communications service fit for a world leading economy. Landowners will still receive fair payment for land, and it is in the interest of the digital communications industry to work with the land owning community to ensure a smooth transition to the new Code.
- **Will the revised Code be used to regulate Wholesale Infrastructure Providers (WIPs)?**
The government has carefully considered all the evidence on this complex issue. We are of the view that physical apparatus is distinct from land, and that the revised Code should therefore not be used to regulate access to infrastructure owned by WIPs. Ofcom is the established independent regulator for market and competition in the digital communications sector and we would expect them to use their powers to regulate access to all digital communications infrastructure if there is evidence of a problem.
- **Why is the government making changes to spectrum legislation?**
The pace of technological change is increasing and, therefore, so too is the competing demand for usable spectrum and the services it enables. To assist Ofcom (the independent regulator for the UK communications industry) in managing spectrum we wish to modify existing spectrum management tools to provide new facilities not foreseen when current legislation was drafted and to strengthen the function of existing provisions.
- **Will the bill be used to allow more mobile masts to be deployed everywhere?**
The bill is only concerned with making permanent the changes we introduced three years ago for deploying fixed broadband infrastructure - cabinets, poles and overhead lines - not mobile masts. This policy has been proven to work with no free for all.