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Civic Voice is the national charity for the civic movement. We work to make the places where everyone lives more attractive, enjoyable and distinctive. We promote civic pride and we talk civic sense. Civic Voice speaks up for civic societies and local communities across England. We believe everyone has the right to live somewhere they can be proud of. We know how people feel about places because we feel the same way. Civic Voice has been joined by over 290 civic societies, with over 75,000 members between them. Among other things civic volunteers are the most numerous participants in the land use planning system.

This is our response to the consultation Proposed changes to siting requirements for broadband cabinets and overhead lines to facilitate the deployment of superfast broadband networks

Q1 Do respondents agree with the proposal to extend the relaxation of the restriction on the deployment of overhead infrastructure on protected areas, and to remove the prior approval requirement for protected areas?

Civic Voice believes it is important to strike the right balance between ensuring that broadband rollout can proceed in support of economic growth and competitiveness. However, due regard to the wishes of communities and effects on neighbourhoods should be safeguarded. Our concern stems from the impact of the infrastructure on the street environment and the way this is being handled by broadband providers. It has become rapidly apparent that already too many street cabinets are being poorly located, inflexibly designed and made unnecessarily intrusive. Our members report insensitive handling by broadband providers in too many locations with minimal information being provided and communities left out of consultation and in some cases cabinets being installed without authorisation. Prior approval requirements are in place to allow councils adequate opportunity to defend protected areas from potentially harmful development

Decisions on where to place broadband must give the community the opportunity to help decide where they should go, rather than simply suit the convenience of companies and their engineers. Local authorities employ conservation and planning officers to advise it on developments in sensitive areas. This results in a good degree of protection for historic buildings and neighbourhoods, which are of intrinsic value to local residents and of economic value in encouraging tourism. We do not believe that a commercial telecommunication company can reasonably be expected to exercise the same care in protecting our heritage and built environment.

The Government analysis even recognises that *“Increased deployment of overhead lines may impair the visual amenity of some citizens”*.

Residents expect councils to protect their homes and make neighbourhoods nice places to live, and planning regulations exist to do just that. The drive to meet broadband targets shouldn't force poorly thought out knee-jerk measures that spoil local environments and needlessly damage roads at the time when Government is encouraging more people to get involved in the local area.

Every village and town in England could be affected by the change to the Communications Code Regulations. Currently, this is the only Regulation that restricts companies from erecting overhead cables, requiring them normally to be underground, with the flexibility for exceptions where lines already exist, or if there is no viable alternative (paragraph 2.15 of DCMS consultation). The very good reason for this is to conserve the appearance of our villages, towns and countryside. The environment in England is one of our most important national assets. This is also beneficial for the economy because it attracts tourists and wealthy investors seeking a good environment, giving us competitive advantage. If the environment is spoiled, it is a scar which is hard to rectify.

We do not support extending the relaxation of the restriction on the deployment of overhead infrastructure on protected areas and do not support removing prior approval for protected areas.



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An opportunity has been missed to ensure that overhead wiring is the last resort by not making it a requirement of Regulation 3 (4) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 that operators share apparatus.

We support the programme of installation of a superfast broadband but we believe it can be achieved without reducing the safeguards introduced in 2001 to ensure that communications equipment was installed sensitively in areas of environmental sensitivity as defined by Article 1 (5) land.

Q2 – Approximately how much new network will be built using the overhead line change, in terms of new poles and kilometres of lines? Do you agree with the assumptions and cost savings set out in the consultation stage impact assessment (annex A) Are there any other costs or benefits that you think should be included in this assessment?

We do not have sufficient knowledge to respond to this.

Q3 - Do respondents agree with the proposed consultation arrangements for the deployment of apparatus in protected areas?

Although it is right that the Government is prioritising broadband access in rural areas, it is entirely possible to roll out superfast broadband in these areas and conserve beauty at the same time. For the proposal to override Conservations Areas, National Parks and Areas of Outstanding Natural Beauty are wrong. We urge strongly that this proposal should be changed so that it excludes not only sites of special scientific interest.

We also believe that prior approval should continue to be a requirement where cabinets are being located in the immediate vicinity of a listed building.

We would like to see how the regulations are framed for the additional notice requirements under Regulation 5 that “*communications providers notify planning authorities about deployment of any new apparatus and take notice of their objections if reasonable and proportionate*”. This will need to define “*reasonable and proportionate objections*” and will need to refer to the Code of Best Siting Practice.

Consideration should be given by the providers to consult with local civic groups and others with an interest in the built/historic environment interests.

Q4 - Do you agree that the duration of the proposed changes being limited to 5 years?

The changes are wrong and should not be accepted for any period of time. It makes no sense to have a temporary relaxation. If relaxation is acceptable there is no reason for it to be temporary. If it is not acceptable it cannot be made acceptable by being temporary

After the five years there would be no requirement for any remedial work to be carried out to improve the possible mess created during that time. The overhead cables and poles would be there for decades; likewise poorly located cabinets. We can even imagine a situation where companies try to do as much as possible within the five years, and the results could be even worse towards the end of the period just to squeeze-in work before the deadline.

Civic societies have spent years of effort and argument to protect our built environment, so to lose the protection for a specified period of five years lacks any logic and any respect for those tirelessly striving to protect our precious environment from undesirable intrusion and development.

We would recommend that a review of the impact be undertaken after two years. This would then supply the evidence on which the Government could then determine whether the extended rights had been a success and had not caused significant environmental damage that would have been avoided had the rights not been changed.



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Q 5 We would welcome feedback on how any aspect of the proposals outlined in this consultation should be achieved!

Civic Voice believes the nation needs broadband but it does not have to be at the expense of the street environment.

- ☛ Earlier involvement of local communities in the location and design of broadband infrastructure across neighbourhoods and not just individual sites
- ☛ Urban design criteria to be made central to the Government's broadband delivery plans
- ☛ Extra planning safeguards to ensure street cabinets and other infrastructure are well located and designed
- ☛ Guarantees the broadband infrastructure will be removed when technological change makes them redundant
- ☛ Broadband Delivery UK and BT Openreach and other broadband infrastructure providers to recognise in their missions that they have responsibilities to the millions of people whose local environment is affected as well as to broadband customers.
- ☛ That the Code of Best Siting Practice is linked to the Electronic Communications (Conditions and Restrictions) Regulations 2003 and that onus is put on operators to ensure that their contractors abide by the code.

Furthermore, we recognise that the proposal includes the development of a code of best practice for adoption by communication providers. However, we are not convinced that such a code can adequately cover the wide variety of possible locations and their potential impact on local heritage. Each site needs to be considered individually and where the consultation says "communications providers notify planning authorities about the deployment of any new apparatus, and take notice of their objections if reasonable and proportionate – who is to determine reasonable? As the Code of Practice is yet to be devised, it gives no opportunity to further influence the proposals. Furthermore, a code with legislation enforcing it might prove to be less effective than one might hope.

We would ask that Civic Voice is invited to join this Panel to represent the civic and conservation movement.