



ENGLISH HERITAGE

Mr Sean Kenny
Department of Culture Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Our ref: DCMS Broadband Cons
Your ref: Fixed Bb Consultation
Telephone 020 7973 3826
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Date 06 March 2013

Dear Mr Kenny

Consultation on changes to siting requirements for fixed broadband equipment

English Heritage welcomes the opportunity to respond to the above consultation.

As the Government's Adviser on the Historic Environment we have been concerned about the public realm for some time and promoted the communities and councils maintaining and improving their public realm with our *Streets for All* programme, with Streetscape manuals for each part of England and a series of practical cases studies. Telecommunications cabinets in streets and overhead wiring are two of the issues we have covered in our advice. We suggest that references to Streets for All and links are included in the proposed Code of Best Siting Practice – see <http://www.english-heritage.org.uk/caring/save-our-streets/> and <http://www.english-heritage.org.uk/professional/advice/advice-by-topic/planning-and-transport/streets-for-all>.

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

We believe that by extending the relaxation on the restriction of overhead wiring to protected areas there will be some adverse impact on the historic environment. We accept that in rural areas it is critical to keep down the costs of providing high speed Broadband to areas of low population density to make it affordable even under the BDUK scheme. We believe that 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 the operators share apparatus (para 2.26).

We are still concerned with the proposals to withdraw the requirement of prior approval for communications fixed installations in Article 1(5) land for a period of five years. We support the programme of installation of a high speed Broadband network throughout

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England, but we believe that 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 (para 2.27).

We are, however, very pleased to be involved in the *Code of Best Siting Practice Working Group*. The first meeting of the group on 5 March 2013 showed that the difference in what in content between what the operators and what we and local authorities would wish to see in the Best Siting Practice is not that different. If prior approval is removed and best siting practice guidance introduced, this needs to be signed up to by operators and their contractors and supported by local authorities. It also needs to be linked to the Electronic Communications Code so that the performance of the operators can be monitored by OFCOM (paras 1.7, 2.28).

2. Approximately how much new network will be built using 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 the information or knowledge to answer these questions.

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

Given the likely removal of ‘prior approval’, protected areas will lose a level protection and be treated in the same way as non-protected areas under Regulation 3(1)(b) of the Electronic Communications Code Regulations. We would like to see how the regulations are framed for the additional notice requirements under new proposed 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 (para 2.28).

The additional range of consultees proposed under Regulation 5, and taken from the existing Regulation 8, are all bodies with interests in the natural environment. Consideration should be given to consulting local groups with historic environment interests (para 2.29).

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4. *Do you agree that the duration of the proposed changes be limited to 5 years?*

We support the proposal for these extended permitted development rights to be in place for a set period. 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.

5. *We welcome feedback on how any aspect of the proposals outlined in this consultation should be achieved?*

It is important 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.

Please do not hesitate to contact me if you have any queries on our response. I look forward to the continuing negotiations in the Code of Best Siting Practice Working Group

Yours sincerely

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