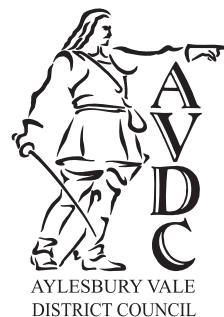


AYLESBURY VALE DISTRICT COUNCIL

Planning

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13 February 2012

Peter McDougall
DCMS
2-4 Cockspur Street
London
SW1Y 5DH
by email : pete.mcdougall@culture.gsi.gov.uk

Dear Mr McDougall

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

Please find below AVDC's response to the above consultation.

Introduction

As a general introduction to the response we would like to record the authorities general support for the role of broadband and its coverage to the maximum extent. As such we support the general intent of the relaxation of restrictions on overhead line deployment. This is however subject to the main consultation response set out below.

Response to 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?*

No comment – this is a matter for the infrastructure providers.

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?*

Yes. The proposal should take a sequential approach to the selection of infrastructure. This would enable communities and planning authorities to be assured that other options had been exhausted before moving to new overhead infrastructure.

In some locations wireless solutions (wi-fi or 3G/4G) may be appropriate in areas where overhead wired solutions are proposed. There may be examples where in areas of high environmental value (eg Conservation Areas) that this may be a more suitable solution, accepting that these networks at some point need to enter the fixed line network. This type of multi stranded roll out approach that is technology neutral (eg not limited to wire to the premises) may be appropriate.

Such an approach may look similar to the below:

- Can the infrastructure be provided on the operators own telecoms network ?
- Can the infrastructure be provided on the other providers telecoms network?
- Can the infrastructure be provided via other utility or other appropriate networks ?
- Can provision be made via other technologies (eg wi-fi/mobile) economically ?

Only after exhausting this list should the option for new overhead infrastructure be considered. This approach would make it clear to all that alternative options had been exhausted prior to opting for new overhead provision.

To ensure that the code operates in the best way, an additional duty to co-operate should be made on providers to ensure that their networks are opened up for such sharing, and that this is accepted by operators. There should not be an option for operators to 'block' sharing infrastructure because they might not 'wish' to. Operators should be encouraged to publish the measures that they have taken and fully explain why overhead lines are the only option.

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?*

Yes, although this should explicitly include the local planning authority so that comments can be made early in the process, and that the authority can be aware of the possibility of future planning applications.

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?*

No. All that would be required would be the publication of a notice, a brief summary setting out how and why overhead provision is needed, where this is planned for (ie a network diagram on an OS base), and a set period for response (we suggest 8 weeks).

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.*

Reiterating the issue made in question 2. We believe an obligation should be placed on utility providers to ensure that 'sharing' occurs rather than this being 'voluntary'.

Part 1E of the code should include a summary of how the representations have been taken into account (this could be in the place of item (a)).

Yours sincerely



Andy Barton
Forward Plans Group Manager