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Dear Mr Kenny

**Proposed changes to siting requirements for broadband cabinets and overhead lines to facilitate the deployment of superfast broadband networks**

**Introduction**

The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation's green treasures.

National Parks are our finest landscapes with the highest level of protection. Their statutory purposes are to conserve and enhance wildlife, cultural heritage and natural beauty, and to promote opportunities for public enjoyment and understanding of their special qualities. For over 75 years the Campaign for National Parks has been working to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all.

National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also play a vital role in sustainable development through protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses.

**Response to Consultation Questions**

**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?**

No, we do not 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. The Campaign for National Parks fully supports the provision of faster broadband in rural areas but we do not believe that these changes are needed. National Park Authorities are already taking a proactive approach to ensuring that broadband infrastructure can be installed in a way which

minimises the visual impacts and there is no evidence that the additional protection afforded designated landscapes has acted as a barrier to rural growth or delayed the roll-out of broadband.

Para 2.30 of the consultation document says that 'Communications providers have reported that current arrangements have led in some cases to delays in deployment of up to two years'. However, we have previously obtained information from DCMS which makes it clear that communications providers have not been able to provide any examples of delays in National Parks or Areas of Outstanding Natural Beauty (AONBs)<sup>1</sup>. All the examples they have provided to Government are from local planning authorities outside National Parks so there appears to be no justification for the proposed changes.

There are good examples of NPAs working with telecommunications providers and other stakeholders to ensure that broadband and mobile phone coverage is improved with as little visual impact on National Parks as possible. We would be happy to provide further information about these examples if required. In the past five years, 97% of prior notifications for poles and overhead lines in National Parks in England have been approved<sup>2</sup> and in the small minority of cases which could not be supported, the prior notification process allows modifications to be agreed.

We are also concerned that this proposal could have a negative impact on economic growth if it leads to a proliferation of overhead infrastructure in National Parks. The local economy in many National Parks relies heavily on tourism and many visitors are specifically attracted by the wildness and beauty of these areas.

**2. 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 any information on the amount of new network that will be built using these proposed changes, however we have a number of concerns with the assumptions and cost savings set out in the Impact Assessment (IA). We are particularly concerned that by DCMS's own admission the data used in the IA is of 'inferior quality' and it has not been possible to obtain reliable estimates of the environmental costs. In addition, the IA contains a number of inaccuracies and inconsistencies. For example, there are two different figures quoted on the same page for the expected increase in overhead lines. At the end of the second paragraph on p.12 it says 'For the purposes of this IA we assume that over 5 years there will be a 10% increase in overhead lines; an increase of 325 km p.a.' but further down the same page a figure of 200 km p.a. of overhead lines (together with 50 extra poles p.a. and 1,500 cabinets over 5 years) is quoted with no explanation given as to why a different figure is now being used.

The higher figure has been used in the summary of costs and benefits in Table 4 suggesting that this measure could lead to a total of over 1600 km of new overhead lines over the five year period. However, to further confuse things, note 3 for Table 4 quotes figures of 300 cabinets and 65,000 poles each year. The 300 cabinets p.a.

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<sup>1</sup> Response to Freedom of Information request from Campaign for National Parks to Department of Cultural, Media and Sports, received 12/12/12 ref. CMS 219456

<sup>2</sup> ENPAA Briefing, Facts on Planning and Telecommunications, Updated 20 November 2012.

tallies with 1,500 cabinets over 5 years quoted on p.12 but it is not clear at all why there is suddenly a significantly higher number of poles being quoted.

There is no accurate information on how much of the additional infrastructure would be in National Parks although note 3 for table 4 says that 10% of applications are assumed to be in protected areas. It is not clear where this assumption has come from but this would mean 150 cabinets and 32,500 poles in National Parks and AONBs over the five year period which is likely to have extremely harmful impacts on the economy in areas that rely heavily on their natural beauty to attract tourists.

We are also concerned that the IA fails to take account of the full range of costs and benefits associated with this measure. There is a reference under the 'Do Nothing' option on p.11 to the 'substantial benefits' resulting from the current level of visual amenity and environmental protection. Yet, no attempt is made to monetise these benefits in the summary in Table 4 where the assessment of visual amenity lost is based solely on the number of households affected and there is no consideration of the visual amenity lost for visitors or the economic costs of reduced tourism.

We would also like to challenge the statement under environmental costs on p.16 'that the largest element of environmental damage that may otherwise result from this measure will be avoided' by exempting Sites of Special Scientific Interest (SSSIs) from the proposed changes. National Parks and AONBs were created under the same legislation as SSSIs as all three designations were introduced through the National Parks and Access to the Countryside Act 1949 (1949 Act). Whilst the reasons for designating SSSIs are different from those for designating National Parks and AONBs, what led to the creation of all three was the recognition that the special qualities of some areas of land are so important that they need to be preserved and enhanced for future generations. This remains as true today as it was in the 1940s and National Parks and AONBs should continue to be treated in the same way as SSSIs.

The risks and assumptions section at the end of the IA contains some worrying statements about the accuracy and completeness of the data used and suggests that on the whole the assumptions made are overly optimistic and that in practice, the implications for protected landscapes could be far more negative than specified. For example, 'it is also possible that if very significant use is made of overhead deployment the loss of visual amenity will become much larger than suggested above' and 'No estimates of willingness to pay for superfast broadband among UK customers have yet been published. As a consequence, the assumptions underlying the calculation of consumer benefit may ultimately prove to be of limited value'.

A final inaccuracy is that the IA is dated 01/01/2011 when in fact it should be dated 2013<sup>3</sup>. The Government has been promising that this consultation would be published shortly since early November<sup>4</sup> so it is particularly disappointing that there are so many errors and omissions in a consultation document whose publication was so long delayed.

In short, given the confusion over the different figures quoted it is impossible to gain an accurate understanding of the impact that the proposed changes are likely to

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<sup>3</sup> Confirmed by email correspondence with Sean Kenny, DCMS, 25/2/13.

<sup>4</sup> See for example, Michael Fallon MP, House of Commons, Growth and Infrastructure Bill Second Reading, Hansard, 5 Nov 2012 : Column 691

have. We are concerned that the proposed changes are based on evidence that is, at best, incomplete and inaccurate and, at worst, partial and biased towards the views of industry.

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

As set out in response to question 1 above, we do not support the proposal to remove the requirement for prior approval in protected areas. We, therefore, do not believe there should be any changes to existing consultation and approval arrangements. Whilst it is welcome that local planning authorities will continue to be consulted about the siting of apparatus and that operators will be required to take notice of their objections if reasonable and proportionate, this will not provide NPAs with the same level of influence that they are currently able to exert in the small minority of cases where something inappropriate is proposed. The IA (p.15) states that, 'Although CPs [communications providers] will be subject to an industry code of practice it is likely that it will be possible for CPs to optimise their installations of equipment to ensure they are operated at minimum cost.' This suggests that providers will be unlikely to accommodate any objections from consultees which could result in increased costs.

Incidentally, Regulation 8 of the Electronic Communications Code, as quoted in para 2.29 of this document needs amending as the New Forest is now a National Park so does not need to be listed separately.

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

As set out above we do not support the proposed changes and we do not believe that limiting their duration to 5 years makes them any more acceptable. The fact that the exemption would be granted for a limited period means that developers will rush to deliver the cheapest, fastest solutions rather than working with NPAs and others to deliver well designed solutions which are appropriate to designated landscapes.

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

It is essential that a planned and co-ordinated approach can be used to deliver future broadband infrastructure in National Parks and AONBs. This will ensure that the amount of infrastructure required can be minimised (for example, by considering whether there are opportunities to share poles and masts) and placed in the most appropriate location. However, this will only happen if the prior approval requirement remains.

NPAs are already taking a proactive approach to the rollout of broadband so the changes outlined in this consultation document are not required to achieve the Government's ambitions for superfast broadband. Given that there is absolutely no evidence that the requirement for prior approval is delaying the rollout, then the current arrangements should remain in place to allow NPAs to continue working with providers to ensure that National Park purposes are taken into account in the provision of broadband infrastructure.

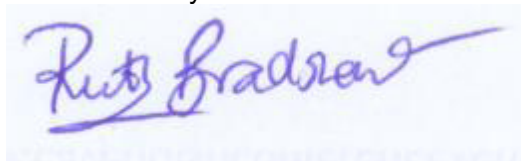
We would also like to highlight that there is a willingness to pay for the undergrounding of overhead lines in National Parks and AONBs, as demonstrated by what has been happening in the electricity industry over the last few years. For the current price control period for electricity distribution (2010-2015), Ofgem has agreed an allowance of £60m<sup>5</sup> to be spent on the undergrounding of overhead electricity lines. A further £103m has recently been announced for the next price control period (2015-2023). This allowance is based on Willingness to Pay (WTP) research and is paid for by consumers (through electricity bills). This process also demonstrates the strong desire for undergrounding by local communities in these areas as prioritisation is largely stakeholder-led with interest groups using surveys of local people to identify potential projects to underground.

A similar scheme has now been agreed for electricity transmission lines and Ofgem has agreed an initial allowance of £500 million for removing pylons and burying existing electricity transmission lines in protected landscapes for the eight year price control period from April 2013.

Given the resources (in terms of both time and money) now being put into undergrounding power lines, it would be more cost-effective to plan for broadband delivery in protected areas in a way that reduces the visual impacts from the outset, even if this results in higher costs initially. Installing broadband infrastructure as quickly and cheaply as possible would be a false economy and a waste of consumers' and tax-payers' money if further funding has to be generated at a later date to put these lines underground. It would also be a waste of the resources being put in to undergrounding power lines if the broadband roll-out leads to a proliferation of new overhead lines in areas where power lines have been put underground in recent years. We are disappointed that the Impact Assessment did not take this issue into account.

If it would be helpful, we would be happy to meet to discuss our concerns about the changes proposed in this consultation and to demonstrate why these changes are not needed.

Yours sincerely



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<sup>5</sup> <http://www.ofgem.gov.uk/Networks/ElecDist/PriceCtrls/riio-ed1/consultations/Documents1/RIIOED1SConOutputsIncentives.pdf>