

Broadband infrastructure announcement

7 September 2012



The Government has today announced a package of temporary measures, which it believes will make it easier for communications providers to deploy infrastructure and generate growth. The Government has said that it will legislate immediately following consultation where necessary, and/or use existing powers to ensure that, for the next five years:

- “broadband street cabinets can be installed in any location other than a Site of Special Scientific Interest without the need for prior approval from the local council and without any conditions being placed upon the construction or design by local authorities except in exceptional circumstances;
- broadband fibre and other broadband infrastructure can be located under or above private land without the bureaucratic burden of long-running negotiations; and
- overhead broadband lines can be installed in any area without the need for planning or other permission (the Government will encourage providers to engage with the local community on the siting of overhead lines as a matter of good practice).”

LGA key messages

- The real barrier to broadband roll out is the fact the Government does not have the EU’s permission to spend the £530 million it wants to allocate to broadband. In the absence of state aid clearance there is no superfast broadband programme and resolving this blockage must be the main focus for Government.
- The Government’s proposals take the right away from people to have a say over six-foot high junction boxes outside their windows and gardens or poles and wires festooning their streets. Decisions on where to place broadband infrastructure must consider the impact on local environments rather than simply suit the convenience of companies and their engineers. Rushed and unnecessary road works to lay cables also risk costing council tax payers a fortune in repairs and, even when done properly, shorten the life of the roads.
- 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. Government needs to encourage providers to work together to make better use of existing ducts and poles, rather than duplicating infrastructure.

Briefing

Local Government House, Smith Square, London SW1P 3HZ
Email info@local.gov.uk
Tel 020 7664 3000 Fax 020 7664 3030
Information centre 020 7664 3131 www.local.gov.uk

BACKGROUND INFORMATION

Superfast broadband

Local councils are leading the rollout of the Government's superfast broadband programme and have secured over £120 million of match funding from local bodies. Superfast broadband is essential infrastructure for many businesses, which will help drive growth in the local economy and improve the quality of people's lives.

Councils are as keen as Government that businesses and communities should benefit from faster broadband as soon as possible. The real problem is not the planning system or streetwork permits but the failure to secure state aid clearance for broadband subsidies.

Councils were encouraged to use European Regional Development Fund (ERDF) as either match or complimentary funding, but as the European Commission has yet to grant state aid clearance this funding cannot be drawn down or work started. Resolving this blockage must be the Government's main focus. Any further delay and consequent bunching up of call-offs will bring into question the ability to deliver the projects by 2015, and potentially threatens councils' budget plans if dates slip substantially from those originally forecast.

Planning

The Government has said it will legislate immediately following consultation where necessary, and/or use existing powers to ensure that, for the next five years:

- "broadband street cabinets can be installed in any location other than a SSSI without the need for prior approval from the local council and without any conditions being placed upon the construction or design by local authorities except in exceptional circumstances;
- broadband fibre and other broadband infrastructure can be located under or above private land without the bureaucratic burden of long-running negotiations; and
- overhead broadband lines can be installed in any area without the need for planning or other permission."

The Government has also said it will work with mobile operators, local government and other interested parties to streamline the planning process and speed up the deployment of mobile infrastructure.

LGA view

- If enacted the Government's proposals are a significant erosion of people's ability to influence their local environment. The current planning requirements are a vital part of the democratic process that seeks to weigh up the economic benefits of new infrastructure with the impact on quality of life, the local environment and businesses as a result of disruption due to road works.
- Any amendments to local planning rules must ensure councils retain enough powers to maintain and improve the character and integrity of local areas. Councils are extremely concerned that whilst designated

Sites of Special Scientific Interest are exempt from the proposals, conservation areas are not. A Conservation Area is defined in the Planning (Listed Building and Conservation Areas) Act 1990 as: "an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance." The character and appearance of such areas are easily damaged through insensitive alterations.

- We would welcome urgent clarification from Government on what the "exceptional circumstances" are which would permit councils to impose planning restrictions on the installation of new infrastructure.
- Councils favour sensible cooperation with providers to balance protecting the local environment with the desire to improve access to broadband. Where providers can demonstrate the sharing of existing infrastructure has been fully examined, and all other possibilities exhausted, councils are very willing to engage providers in transparent and meaningful dialogue to minimise the visual and disruptive impact of improvements to infrastructure.
- The LGA is urging ministers to re-think their proposals and would be pleased to discuss how we can encourage and share positive examples of councils' and providers working in partnership to improve the telecommunications infrastructure in a way that takes account of local conditions.
- In response to the Government's planned consultation on mobile infrastructure, the LGA believes this is another example of where councils need to have sufficient powers to maintain the integrity of the local environment and we will represent councils interests in dialogue with the Government and others.

Streetworks

The Government has said it will insist that any new local authority street work permit schemes approved between now and 2015 are restricted to the most traffic sensitive streets; and review all existing permit schemes and the way works are classified, in order to streamline processes, shorten timescales for approval of works, and reduce fees. The Government has also announced that broadband companies will face less cost and bureaucracy in laying cables in streets.

LGA view

- Residents expect councils to protect their neighbourhoods. A responsible contractor should want to secure community support and at the very least talk to the council about how its work can tie into the local plan. The drive to meet broadband targets shouldn't force poorly thought out knee-jerk measures that spoil local environments and needlessly damage roads
- Rushed and unnecessary road works to lay cables also risk costing council tax payers a fortune in repairs and, even when done properly, shorten the life of the roads. Repairing the damage to roads by utility companies costs council taxpayers an estimated £70 million per year, as the LGA stated in 2011.
- Government needs to encourage providers to work together to make

better use of existing ducts and poles, rather than duplicating infrastructure.

- Digging up carriageways – even when it is reinstated to agreed standards – damages its integrity and shortens its life, this problem is significantly exacerbated when the reinstatement is poor. Eventually potholes result causing damage to vehicles, vibration (which can damage property and cause misery for residents) and eventually have to be repaired at cost to councils, causing further delay.