

Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.

Living Streets response to DCMS consultation on the Proposed changes to siting requirements for broadband cabinets and overhead lines to facilitate the deployment of superfast broadband networks

Introduction

We are the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk. We work with communities, professionals and politicians to make sure every community can enjoy vibrant streets and public spaces.

We started life in 1929 as the Pedestrians Association and have been the national voice for pedestrians throughout our history. In the early years, our campaigning led to the introduction of the driving test, pedestrian crossings and 30 mph speed limits. Since then our ambition has grown. Today we influence decision makers nationally and locally, run successful projects to encourage people to walk and provide specialist consultancy services to help reduce congestion and carbon emissions, improve public health, and make sure every community can enjoy the benefits of walking.

Response to the 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?

N/A

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?

N/A

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

N/A

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

We question the purpose of a five year relaxation of planning requirements for broadband street cabinets if the purpose of the proposed *code of best siting practice* is to '*encourage planning authorities to work closely with communications providers to agree cabinet and pole sitings quickly*' (Para 2.33). We also remain concerned at the lack of evidence cited in both the consultation and Impact Assessment documents. Page 8 of the Impact Assessment notes '*current arrangements have led in some cases to delays in deployment of up to two years. In some cases, communications providers have had to abandon projects*' whilst the consultation document repeats the same line (para 2.30). However, at no point in either document is there

1

Living Streets
4th Floor, Universal House, 88–94 Wentworth Street E1 7SA
Tel 020 7377 4900
info@livingstreets.org.uk www.livingstreets.org.uk

Living Streets (The Pedestrians Association) is a Registered Charity No. 1108448 (England and Wales) and SC039808 (Scotland), Company Limited by Guarantee (England & Wales), Company Registration No. 5368409



Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.

data or statistical evidence regarding the frequency of such occurrences to support these claims. We are extremely concerned that a major policy change is taking place without a substantive evidence base supporting the policy objective.

If a relaxation period is introduced we would recommend that a review of the impact of this policy is undertaken within two years of the commencement date. This would then provide evidence from telecommunications providers, local authorities and local communities to the Government which would allow it to assess whether the relaxation period had been a success in delivering increased broadband without causing significant damage and inconvenience to local communities.

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

We remain strongly opposed to the proposals put forward in the consultation paper regarding the five year relaxation of planning requirements for the installation of broadband street cabinets. Our opposition to the proposals, first highlighted during the Bill Stage of the Infrastructure Bill, has increased in light of the paucity of evidence provided in both the consultation paper and accompanying economic impact assessment for such a major policy change. Furthermore, these proposals go against the Government's broader localism agenda and takes decision making away from local communities.

Despite our continued opposition we welcome the proposal by Government to develop a *code of best siting practice* with representatives from the LGA, fixed network providers, Planning Officers Society and English Heritage. However, we are concerned that groups representing local communities are not represented on the drafting group and suggest Civic Voice should sit on the group.

We are also concerned about enforcement of the code and the routes of appeal if the code is not applied correctly by fixed network providers or their contractors. This is a particular concern in those potential future instances whereby a local authority remains opposed to the installation of a broadband street cabinet following consultation yet communication provider proceeds with the installation against their wishes. We have particular concerns regarding the potential ambiguity around the phrases *reasonable* and *proportionate* in relation to local planning authority objections (para 2.28). Simply put a *reasonable* and *proportionate* objection from a local planning authority may not be viewed as such by a communication provider and such ambiguity is likely to lead to potential legal costs on both sides.

It is recommended 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.

Finally, the *code of best siting practice* needs to ensure it includes guidance around the following issues:

Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.

- 1) The consultation process described in paragraph 1.7 must provide an opportunity for local people to have their say over the location of broadband street cabinets in their local communities. Both DCLG and the LGA note that a third of people identify street and pavement repairs as the thing that 'most needs improving' in their area – more than identified crime or health¹ and nearly four in ten people are actively dissatisfied with pavement maintenance in their area.²;
- 2) The delivery of high quality installation and on-going maintenance in order to prevent unbridled development degrading the walking environment. The absence of such safeguards will lead to a significant degradation to walking infrastructure in local communities across the country with broadband cabinets being placed on footways without any regard for pedestrian access leading to a degraded walking environment. This is particularly the case if high quality reinstatements are not specified at the time of installation followed by continuous maintenance and removal as broadband technology evolves. Therefore, we would like to see included in the *code of best siting practice a requirement for a* guarantees that broadband street cabinets will be removed when technological change makes them redundant.
- 3) We believe there should be a system of penalties for sub-standard work- to pay for re-siting of poorly sited boxes or for fixing of poor quality reinstatements of the footway surface. A bond should be provided by installing companies from which sums would be deducted if required. Furthermore, any new installation carried out should be proportionate- digging of trenches under the footway permanently reduces the quality of the footway surface, once reinstated and means that the surface will gradually deteriorate, creating hazards for vulnerable pedestrians. Opportunities should therefore be sought to link broadband cable installation with pavement resurfacing, to avoid the digging up of new footways where possible.
- 4) Preventing obstruction of footways, for vulnerable pedestrian groups. Obstruction of the public highway can impact on the quality of life of users of the public highway including: people with prams, those with mobility issues such as older people, wheelchair users and those with visual impairment. Obstructions such as broadband street cabinets can significantly reduce the efficiency of street cleansing services leading to increased levels of litter on the street. Therefore, guidance is required regarding such issues to prevent the proposals having significant unintended policy consequences on other aspects of public policy including active travel, congestion, public health and local environmental quality. A YouGov poll carried out for Living Streets in March 2012 showed that one third of British adults said they would walk more in their local area if streets were kept in better condition

¹ Department of Communities and Local Government. 2009. *World Class Places* - <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1229344.pdf>

² Glnsight / Populus. 2011. *Are the storm clouds forming around the reputation of local government? (September 2011)* - http://www.lgcomms.org.uk/asset/576/Stormper_cent20Cloudsper_cent20Formingper_cent20Nationalper_cent20pollingper_cent20Septemberper_cent202011.pdf

3

Living Streets
4th Floor, Universal House, 88–94 Wentworth Street E1 7SA
Tel 020 7377 4900
info@livingstreets.org.uk www.livingstreets.org.uk

Living Streets (The Pedestrians Association) is a Registered Charity No. 1108448 (England and Wales) and SC039808 (Scotland), Company Limited by Guarantee (England & Wales), Company Registration No. 5368409



Living Streets is the national charity that stands up for pedestrians. With our supporters we work to create safe, attractive and enjoyable streets, where people want to walk.

and 46% of 18-24 year olds and 51% of 25-34 year olds would walk more if the streets were safer and more attractive. Problems such as obstructions or cracked pavements can take away older people's confidence and stop them from going out.

For more details please contact:

Dr Kevin Golding-Williams - Public Affairs and Policy Manager

kevin.golding-williams@livingstreets.org.uk

Tel: 020 7377 4907

Mobile: 07720 680603