

Telecommunications Poles Working Group

Best Practice Recommendations

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Preamble

Noting that:

1. The UK Government has set out an ambition to achieve nationwide rollout of gigabit broadband infrastructure by 2030, and has made a commitment to increase the pace of the programme.
2. The UK Government is committed to maintaining a regulatory framework that supports infrastructure competition to incentivise investment in full fibre networks. Through this framework, more than £20bn has already been committed from private businesses, seeking to connect c.85% of the country, reducing the burden on the tax payer.
3. Providing all households with access to fibre broadband is crucial to closing the digital divide in the short- and long-term, as well as supporting business growth and the wider economy.
4. There is demand from communities across the country to be connected to new networks, and not be left behind in this once-in-a-generation infrastructure upgrade. Additional choice of fibre network provider promotes innovation and competition now and in the future, contributing to positive consumer outcomes.
5. Telecommunication poles, also known as Telegraph poles (“**poles**”) have been a historic and constant feature of UK telecommunications networks with over 4 million installed prior to the fibre upgrade programme. There are a number of reasons that may require the use of poles (including safety, engineering and economic grounds) and they are a crucial part of the mission to connect as many households as possible.
6. The vast majority of providers currently make extensive use of sharing opportunities that enable them to reuse Openreach ducts and poles all across the country where available.

Background

The Telecommunications Poles Working Group was set up by the Internet Service Providers' Association (ISPA) and the Independent Networks Cooperative Association (INCA) upon request from the Department for Science, Innovation and Technology (DSIT). The purpose of the group is to review the 2016 Cabinet and Pole Siting Code of Practice ("the Code"), share best practice across the industry, and engage with key stakeholders, including but not limited to Local Authorities and Ofcom, the communications regulator.

Ensuring widespread support for fibre rollout, including occasional use of new poles, is critical to the success of the programme. Through the engagement process undertaken in developing this guidance, a number of best practice recommendations have been identified, and are recommended to be followed by all members of both associations (ISPA and INCA).

These recommendations flow from a commitment towards supporting local communities (**the "Community Commitment"**), and sit alongside mandatory legislation, including the Electronic Communications Code (conditions and restrictions) Regulations 2003 (as amended), Town and Country Planning (General Permitted Development) Order 2016, and the Code of Practice.¹

The Community Commitment

The needs of the communities in which fibre networks are being built should always be carefully considered during the design, construction and operational stages of installation of new fibre networks.

Mandatory Obligations for Providers

Providers must adhere to the following rules:²

- 1. Notification of the planning authority:** Providers must give 28 days notice, in writing, to the planning authority, including the proposed locations.
- 2. Minimise the number of poles:** Providers shall install the minimum practicable number of poles, consistent with the intended provision of the network, and allowing for an estimate of growth in demand.
- 3. Height Restriction:** Providers must seek full planning permission for any poles exceeding 15 meters.
- 4. Conservation areas:** Providers must provide a written notice to the planning authority if they intend to use poles in a conservation area.³
- 5. Listed Building & Ancient Monuments:** Before placing a pole near a listed building or ancient monument, providers must provide a written notice to the planning authority.⁴

¹ For rollout in devolved nations, equivalent devolved legislation applies, if applicable.

² These rules do not supersede relevant legislation elsewhere and should be read in conjunction with relevant Acts of Parliament and Statutory Instruments.

³ Unless an existing pole is replaced.

⁴ Unless an existing pole is replaced.

- 6. National Parks & Protected Areas:** Before placing a pole in a national park or protected area, providers must provide a written notice to the planning authority and relevant additional bodies.⁵
- 7. Street works “Red Book” Obligations:** Operators must comply with all the mandatory obligations listed in the Red Book, e.g. wearing of high visibility jackets, risk assessments, taking into account the needs of children, older people and disabled people, having particular regard for visually impaired people; and providing safe routes.

Best Practice Recommendations

Providers should adhere to the following unless there are circumstances that do not make this reasonably practicable:

- 1. Providers should consider using existing opportunities for sharing infrastructure.**
 - a. Providers should explore existing sharing opportunities and frameworks that are available to them, including the Openreach PIA product, re-use of existing local authority-owned, water, gas or electricity infrastructure, as well as the INCA sharing framework.
- 2. Providers must pay due regard to community interest and consider the visual impact of fibre rollout.**
 - a. Providers should seek to minimise the impact on the visual amenity of properties and balance the impact on individual households with the interests of the community, including demand and take-up of broadband services.
 - b. Prominent locations on grass verges or grassed amenity areas should be avoided unless there is a technical justification or there is demand from the community.
 - c. Poles should be placed on vertical boundaries between properties where possible.⁶
 - d. Poles should only be as tall as necessary to comply with safety, structural and technical requirements.
 - e. Poles should not be placed where they impact traffic sign sightlines.
 - f. Poles should not be placed in close proximity to Scheduled Monuments.
- 3. Providers must aim to minimise the disruption to footways and carriageways.**
 - a. Providers should minimise any obstruction to the flow of pedestrian or other traffic including designated cycleways both during and after construction.
 - b. Particular attention should be given to the needs of wheelchair users, residents with mobility issues and people using pushchairs.
- 4. Providers must seek to raise awareness and enhance communication between themselves and the public.**
 - a. During the design and statutory noticing periods, providers should make an assessment of whether a particular rollout area requires enhanced community

⁵ Unless an existing pole is replaced or for the provision of a temporary electronic communications network

⁶ If the pole is to be sited in front of more than one property, the preferred location is at the vertical boundary of the two properties perpendicular to the location of the pole.

engagement measures that go beyond the statutory requirements, taking into account existing infrastructure and any feedback received.

- b. Enhanced community engagement measures could include, but are not limited to: Engagement and discussions regarding rollout plans with relevant local and planning authorities, notifying relevant elected officials, direct mail or community meetings.

5. Providers must evaluate objections or requests for relocating newly installed poles requests for the relocation of newly installed poles.

- a. In circumstances where a newly installed pole is materially adversely impacting a resident, Providers should consider each request to re-site a newly installed pole. This includes, but is not limited to the following reasons:
 - i. the location of a pole impacts upon a person with a disability;
 - ii. the location of a pole impacts upon access to a resident's current driveway or a resident has planning approved for a dropped kerb with the local council and can provide evidence;
 - iii. the location of a pole impacts on active property development or the resident has planning approved can provide evidence;
 - iv. A pole is planned or installed on private land without a wayleave.
- b. In each case, evidence should be provided by the complainant as to the nature of the objection and the direct impact.

6. Providers must provide an accessible complaints handling procedure.

- a. As a matter of good practice, providers should have a complaints procedure to handle complaints from members of the public and other stakeholders that refer to pole deployment. The complaints procedure should ensure that the provider:
 - i. Investigates each complaint on its own merit;
 - ii. Deals with complaints in a professional and timely manner;
 - iii. Provides for the complaints to be escalated to a higher level within the providers organisation;
 - iv. Acts transparently with a formal written response to the complainant detailing the reasons for accepting or rejecting the complaint;
 - v. Keeps records of the numbers of formal complaints, location and time to action.
- b. Providers should provide relevant contact details at easy to identifiable places – at a minimum on signage posted in prominent locations near the planned pole location.

7. Providers should notify significant planning changes.

- a. Taking into account available guidance from the planning authority, providers should make notifications if there are significant changes to the location of a pole, e.g. by providing site notices or contacting the authority.

Complaints escalation

If the code of practice or associated laws have not been followed, escalations can be made by multiple routes:

Members of the Public

1. The first complaint should be made to the provider, unless the complaint is about mandatory obligations where the relevant local planning department can be the first point of call.
2. If the complaint has been handled unsatisfactorily in the view of the complainant then in the event of a permit breach by the Provider, this should be escalated to the relevant Local Authority's Streetworks department and/or planning team.
3. If this is not handled satisfactorily then a Notice of Objection to Electronic Communications Apparatus kept on or over land should be submitted to the relevant court.

Local Authorities & Elected Officials

1. Should complain initially to the Provider directly.
2. If the complaint has been handled unsatisfactorily in the view of the complainant, then the Local Authorities should, in the event of a specific breach of Code Powers, escalate to Ofcom or via the relevant court (if applicable).