

From: David Dunbar davidjdunbar@gmail.com
Subject: For the attention of all Cotswold District parishes
Date: 29 January 2024 at 12:24



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Dear fellow Cotswold District residents,

I am a resident of Willersey. I apologise for this intrusion, but I am writing to alert you to a potential threat which has already impacted our village and could be coming to you.

You may have seen in the media that in many areas of the country, as part of the government's policy of rolling out fibre optic broadband systems as fast as possible, network installers are forcing overhead poles and cables on communities, often against residents' wishes and in duplication of existing fibre optic networks.

In our case, this has occurred in a part of the village which has hitherto had no overhead lines, all existing services, including a fibre optic network which was installed by Gigaclear a few years ago, being buried underground. The new overhead network, being installed by a company called Full Fibre Ltd aka Fibre Heroes, ignores previous practice in our area, is contrary to the requirements laid down by the Cotswold Area of Outstanding Natural Beauty and duplicates the Gigaclear system, therefore is surplus to requirements.

The first we knew about this was when a series of painted circles mysteriously appeared in the affected area, followed a few weeks later by letters from Full Fibre Ltd informing residents that they were going to install the overhead system. We were invited to write and express our views, which many of us did, but Full Fibre Ltd were completely impervious to our protests that the development was inappropriate and unnecessary.

Please note that Full Fibre Ltd is believed to be one of about 70 operators of this kind wreaking havoc around the country. They have proved to be totally insensitive to the views of residents in their quest to make a fast buck. To our knowledge Willersey is the only village in Gloucestershire to have been affected so far, but this issue will come to others in due course.

The installers justify their actions with the claim that their system is classified as a "permitted development" which enables them to circumvent some legislation and

regulation in this field. However they are still bound by certain constraints, notably the Electronic Communications Code (2003) Regulations. The fact that the ECC is a regulation is crucial: network installers must comply with it, permitted development or not.

Section 4 of the ECC (copy attached) opens with the statement: "A code operator shall install all lines underground unless-" and goes on to identify a number of exemptions. Full Fibre Ltd have stated that they are basing their justification for the overhead installation specifically on point (e), ie: "it is not in all the circumstances reasonably practicable to do so".

In Willersey's case this is categorically untrue. The existing Gigaclear installation in all the affected roads has already proved that underground installation is physically and economically practicable. The truth is Full Fibre Ltd want to go overhead because it is cheaper for them to install, and this is overriding all other considerations.

Further to this, repeated ministerial statements have confirmed that network installers must comply with appropriate restrictions on their activities, which can be imposed by Local Planning Authorities, and if installers don't comply with them the local authorities can refer them to Ofcom for appropriate action to be taken against them. We have copies of the relevant documents which I will be pleased to pass to you if you would like to see them.

In view of the circumstances outlined above, one might reasonably expect that our Local Planning Authority would view the network installer's machinations with the disapproval that they deserve and impose the appropriate restrictions on their activities. Indeed, the LPA has every opportunity to do this, because (as we only discovered very recently when it was too late) the network installers have to issue a "notice of intention" to the LPA, after which the LPA has 28 days to impose restrictions on them.

In Willersey's case this didn't happen for reasons that I won't expand on here, however in your case time is hopefully still on your side, but you must make use of it. I strongly advise you to get on to Cotswold District Council without delay and ask them:

1. Have they received an approach from a fibre optic network installer planning to put up any poles and cables in any part of your parish, and if so what is its current status?
2. If not, will they undertake to liaise with you as soon as they do receive an approach?

If CDC do receive an approach from an installer, they have just 28 days to give it proper consideration, liaise with you and impose conditions on the installer (eg requiring that the network be buried underground). They may claim that they are not empowered to place any constraints on the installer and that the regulations allow developments of this kind, but we believe that both arguments are untrue.

The damage is already partly done in Willersey (6 out of 15 planned poles have been erected to date), but we continue to resist the installers by legally occupying the places where they want to install their poles which has slowed their progress considerably, and we haven't given up hope of getting the erected poles taken down again in due course. We hope that our experience will assist you in fighting to maintain the ambience of your community.

Good luck!

Regards,

David Dunbar.