

Briefing for the Citizen Participation and Public Petitions Committee on petition PE1954: End the installation of new telegraph poles for broadband provision, lodged by Lorna Buntain

Brief overview of issues raised by the petition

Petition PE1954 calls on the Scottish Parliament to urge the Scottish Government to amend the current Permitted Development rights for digital communications infrastructure to:

- encourage the use of underground ducting for new broadband service installations and avoid the installation of unsightly telegraph poles and overhead cables;
- ensure local communities are made aware of plans to install digital communications infrastructure in their area, and given an opportunity to share their views prior to any installation work taking place; and
- ensure that all digital infrastructure, including underground ducting, is routinely maintained by the developer.

The petition relates to the installation of hundreds of telegraph poles in Lennoxton and Milton of Campsie in 2021. The local communities have raised the issue with the local council, MSP and MP.

Recently, a local campaign raised issues with Openreach relating to five new telegraph poles in East Wemyss in Fife, which resulted in the five poles being removed. [Internet Service Provider Review notes that:](#)

Such poles are typically built using Permitted Development (PD) rights, which means they don't have to go through the usual planning process and can pop up quite quickly, often without residents getting much of a say, which adds to the frustrations of those who oppose them.

Key Organisations and relevant links

[Openreach](#) is responsible for the copper wire and fibre cables that connect homes and businesses to local exchanges in the UK. They have a [webpage where individuals can request that Openreach alter or remove their equipment](#), including telegraph poles.

[Ofcom](#) is the regulator for the UK communications industry, and is responsible for making sure people are able to use communications services, including broadband. They publish annual [Openreach monitoring reports](#) which focus on assessing the independence of Openreach, ensuring that its services can be accessed by all companies to promote competition among fibre networks. In response to a [freedom of information request in February 2021](#), Ofcom noted that:

Ofcom regulates aspects of Openreach's products and services, including the products such as poles that it manages on behalf of BT, and has also granted BT1 powers under the Electronic Communications Code (the Code) that enable it to benefit from simplified planning procedures when installing and maintaining electronic communications equipment on public or private land.

The Scottish Government published an update to [Planning circular 2/2015: non-domestic permitted development rights](#) in April 2021, which sets out conditions on permitted development rights in relation to the installation of telegraph poles. It notes that:

PDR apply to various development related to telegraph poles, namely the installation of new telegraph poles, the replacement or alteration of existing poles, the installation of new overhead lines on such poles and work which is ancillary to such development. These PDR apply in designated areas. See paragraphs 35 to 36 on general limits on ground based apparatus.

The House of Commons Library published a [briefing on building broadband and mobile infrastructure](#) in March 2022 which sets out the rules for building telecommunications infrastructure such as mobile masts, including planning rules and the Electronic Communications Code.

Andrew Feeney-Seale
Senior Researcher
[19/08/2022]

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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