

Information about the installation of telecommunications infrastructure across Bolton- March 2023

Frequently asked Questions

Why has a new telegraph pole or mast been installed on my street?

A number of new telegraph poles have been installed across the borough as telecoms companies work to deliver faster broadband to homes in Bolton.

Do companies need planning permission to install poles?

Under a planning law known as “permitted development”, companies can install communications equipment up to 15m tall without first getting permission from the council.

Why were residents not consulted about the new poles?

Under permitted development planning laws, companies do not need planning permission to install poles up to 15m tall.

Because of this, there is no legal requirement for a consultation period with local residents or businesses.

What powers does the council have to prevent or remove new poles?

Because poles under 15m are covered by permitted development, the Council has limited powers to stop new ones from being installed.

However, if the poles are blocking the highway or driveways then the Council can take enforcement action.

Why are companies using poles instead of underground cables?

Attaching broadband cables to telegraph poles, means the companies can provide internet without having to dig up roads, driveways or front gardens.

Why is this happening now?

The installations are part of work being undertaken by a number of communications companies to improve Bolton’s digital infrastructure.

Background information on planning legislation

The legal framework for telecommunications development is set by the Government and for certain forms of development, the Council’s involvement as Local Planning Authority and as Local Highway Authority is very limited.

Essentially, successive Governments, over many years have passed legislation that means the associated apparatus such as wooden poles, cabinets and signs (that are the subject of site notices across the Borough) do not require either planning permission or a highway license as both of these have already been granted in advance by the Government.

Poles

Typically wooden, but can also include steel poles. Essentially the timber poles are similar to the common telegraph poles that carry telephone wires. They are typically 8 to 10 metres in

height and carry a fixed line broadband cable. They do not transmit or receive radio signals, they simply support a broadband cable above the highway.

Steel poles are typically less than 15 metres and do not broadcast or receive radio signals themselves, poles do not require planning permission, they are permitted development and can be installed within the highway without needing any form of consent from the Local Highway Authority.

Telecommunications companies are required to give the Council 28 days' notice of their intention to install a pole but there are no real grounds of objection. They are also required to advertise their intention within the vicinity of the site, usually via a site notice.

Therefore, the wooden and steel poles do not require any form of permission or consent from the Local Planning Authority. The Council has no powers to prevent the installation of the poles as permission for their installation has already been granted in advance by the Government. Whilst they are required to notify the local Council and local residents, this does not limit their right to install the poles. A highway license is not required, simply a permit for the method of installation and national guidance from the Government controls matters around the remaining pavement widths etc.

Highways would only intervene if the pole was causing an obstruction which should not be the case if the telecoms operators follow national guidance on their installation. The Council has no powers to seek their removal on visual impact grounds.

Masts

For the avoidance of doubt, masts generally receive or transmit radio signals. The form of development known as a "monopole" is actually a form of mast, not a pole. It has that name due to its slimline design, but it does not support a cable over the highway, it supports broadcast antennae.

These are typically metal poles that support radio antennae which broadcast and receive mobile phone signals. Without these structures, the mobile phone network could not operate. They can also be used to provide mobile broadband. The poles are typically 15 or 20 metres high, though they can be higher. They require "prior approval" from the Local Planning Authority, which is essentially a light touch form of application where the Council cannot consider the principle of the mast (this has already been granted by the Government) but can consider its siting and design. A decision needs to be made with 56 days or the applicant will benefit from a default permission. For masts above 30 metres, full planning permission is required.

Masts are often sited within the footway though they can also be on private land. Should Prior Approval or Planning Permission be granted for a mast, telecommunications companies have the right to install them if they are within the footway and need only gain a highway permit for the method of installation, not the principle. They are expected to comply with an adopted Code of Practice in terms of road safety, visibility and ensuring that an acceptable amount of pavement remains available for all highway users.

Cabinets

Typically metal boxes placed on the footway. These can be connected to a larger structure such as a mast or a pole or be free-standing. Given their limited size these do not require planning permission. The works are covered by Class A of Part 16 of the Town & Country Planning (General Permitted Development) Order 2015 and are usually permitted development.

Advertisements on Masts

Any signage would unlikely fall within the definition of “advertisement” but even if it did, it would benefit from deemed consent under Class 2A of Part 1 of Schedule 3 of the Regulations – ‘miscellaneous adverts relating to the premises on which they are displayed’.

It is therefore considered that the notices on the telegraph poles do not constitute a breach of planning control and therefore no further action can be taken on this matter.

Injunction

An injunction against the operator is not a viable option as it would sit directly against central Government intention to introduce legislation to improve and futureproof Telecoms infrastructure. It would be highly unlikely to be granted and would contradict the legal advice already received.

Codes of Practice

Operators are subject to conditions and restrictions and there are a number of codes of practice including the Digital Economy Act 2017, the Electronic Communications Code, and Cabinet and Pole Siting Code of Practice. Aside from the dated nature of some of these documents, these constitute codes of practice and are therefore intended to set out guidance on best practice not to set out specific requirements.