

Telecommunications Infrastructure (Consultation) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Make provision about mandatory local consultation in relation to the installation of telecommunications infrastructure in residential areas; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Installation of relevant apparatus: notification to local planning authority

- (1) This section applies where a code operator in England intends to install relevant apparatus in an area.
- (2) The code operator must not carry out the installation without first notifying the local planning authority for that area in accordance with subsection (3). 5
- (3) In notifying the local planning authority, the code operator must at least 90 days in advance of the date on which it intends to install the apparatus give written notice to the local authority—
 - (a) stating the code operator's intention to install relevant apparatus;
 - (b) describing the apparatus the code operator intends to install; and 10
 - (c) identifying the location where the code operator intends to install the apparatus.

2 Local planning authority consultation

- (1) Upon receipt of notification under subsection 1(3), the local planning authority must carry out a consultation in accordance with this section. 15
- (2) The local planning authority must publicise the proposed installation in such manner as it reasonably considers is likely to bring the proposed installation to the attention of a majority of local residents.
- (3) Publicity under subsection (2) must—
 - (a) set out how the local authority may be contacted by persons wishing to comment on the proposed installation, and 20
 - (b) give such information about the timetable for the consultation as is sufficient to ensure that persons wishing to comment on the proposed installation may do so in good time.

3 Response to consultation

- (1) Following the completion of the consultation under section 2, the local planning authority must—
- (a) consider any comments made by local residents during the consultation; 5
 - (b) having regard to such comments, make a decision on—
 - (i) whether to recommend that the apparatus be installed, and
 - (ii) whether to recommend any conditions in respect of the apparatus that it considers reasonable and with which it wishes that the code operator comply; 10
 - (c) produce a report setting out its decision; and
 - (d) provide a copy of the report to the code operator.
- (2) The code operator must—
- (a) have regard to any recommendation made by a local planning authority under this section; and 15
 - (b) where it does not accept any such recommendation, provide a written statement to the local planning authority giving reasons for not accepting the recommendation.

4 Consequential provision

- (1) The Secretary of State may by regulations make provision that is consequential on this Act. 20
- (2) Regulations under this section are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

5 Interpretation 25

In this Act—

- “code operator” means a person in whose case the electronic communications code is applied by a direction under section 106(3)(a) of the Communications Act 2003;
- “local planning authority” means a local planning authority within the meaning of section 1(1) or (2), section 4A and section 5 of the Town and Country Planning Act 1990; 30
- “local resident” means any person who lives at, or otherwise occupies, premises in the vicinity of the land on which it is proposed that the apparatus be installed; 35
- “relevant apparatus” means any fixed-line broadband pole, fixed-line broadband cabinet or overhead fixed-line broadband line which is not a service line.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales. 40

- (2) This Act comes into force at the end of the period of 90 days beginning with the day on which it is passed.
- (3) This Act may be cited as the Telecommunications Infrastructure (Consultation) Act 2023.

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*Presented by Dame Diana Johnson
supported by Karl Turner and Emma Hardy.*

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