

24 January 2005

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By email and first class post

Dear Dougal Scott

Strategic Review of Telecommunications – Phase 2

The Council for National Parks (CNP) welcomes the opportunity to respond to the above consultation. CNP is the national charity which works to protect and enhance the National Parks of England and Wales and areas that merit National Park status and promote understanding and quiet enjoyment of them for the benefit of all.

This response is a general response and does not address any of the specific questions that have been posed in the consultation document.

National Park purposes

We note that Ofcom has published its proposals to support the growth of greater competition, innovation and investment certainty in the UK telecoms sector. However the proposals do not indicate how Ofcom intends to fulfil its statutory responsibility¹ to have regard to National Park purposes when coming to decisions or carrying out activities relating to or affecting land within the Parks.

National Park purposes are²:

- (i) To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and
- (ii) To promote opportunities for the public understanding and enjoyment of the Parks' special qualities

It is Government policy that National Park designation confers the highest status of protection in relation to landscape and scenic beauty and that the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions in these areas³.

In view of the above, CNP considers that Ofcom should clarify in Phase 3 of the review how it intends to take National Park purposes into account during the consideration and implementation of proposals emanating from the strategic review.

¹ Section 11A of the 1949 National Parks and Access to the Countryside Act, as amended by Section 62 of the 1995 Environment Act

² Section 5 of the 1949 National Parks and Access to the Countryside Act, as amended by Section 61 of the 1995 Environment Act

³ Para 21, Planning Policy Statement 7 (ODPM)

A roaming pilot

Specifically, CNP asks Ofcom to consider giving encouragement to a roaming pilot in a National Park.

Government guidance in PPG8 on telecommunications development in National Parks is helpful in so far as it encourages site and mast sharing and states that in designated areas the aim should be for the apparatus to blend into the landscape. However PPG8 gives no explicit encouragement to operators to undertake roaming, as is possible in countries outside the UK.

Roaming on a single network is technically feasible. The relevant Government departments and agencies have included provision for 'roaming' in 'designated rural areas' in the licences granted to operators. The operators are now enabled to provide their services by any appropriate means, including roaming. Capacity is not a limiting factor in rural areas, except possibly in larger towns where additional cell provision could be provided. In Europe and in the UK, telecoms providers are using and developing roaming agreements where they find it attractive for commercial or operational reasons.

In CNP's view, we should seek to ensure that, in protected areas such as National Parks, everyone has access to services via a co-ordinated shared network, rather than multiple networks duplicating provision. We do not have duplicate electricity, gas, water, sewerage networks to enable separate commercial providers to serve our needs — they share common networks. This could have the great benefit of reducing the amount of infrastructure needed and hence the impact on the landscape and on the public's enjoyment of it. This would deliver a clear public benefit and would also assist Ofcom in delivering its statutory responsibility to have regard to National Park purposes.

This would therefore seem to be a good opportunity for Ofcom to promote a geographically specific pilot to explore the issues surrounding roaming and for the findings to be used to inform future decisions on roaming. In view of its potential public benefit in terms of reducing infrastructure requirements in environmentally sensitive areas, we consider that a roaming pilot would meet Ofcom's wider responsibilities for consumer protection.

CNP hopes that this response is helpful. Please do not hesitate to contact me should you require clarification of any of the above or any further information.

Yours sincerely

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