

Reference: 1904536

Information Requests
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6 November 2024

Freedom of Information request: Right to know request

Thank you for your request for information about Openreach aerial cabling policy. We received this request on 9 October 2024 and we have considered your request under the Freedom of Information Act 2000 (“the FOI Act”).

Your request

“Openreach recently installed several kilometres of new aerial fibre cable along our road and across the adjacent SSSI. The whole area is now a mess of hastily strung overhead cables. I contacted Openreach to ask them to tidy these up a bit. They demanded £xxxxx just to survey this. I escalated this to Openreach board level and they concluded that their cabling fully complies with their internal cabling policy, so no further action can be taken. They refuse to let me see this policy. We are now in the position where a commercial company has had a significant detrimental impact on the unique character of a very special area and there is nothing that can be done by the people that live there. In effect, Openreach seem to have not only marked their own homework, but also set it in the first place.

I would like to know:

- 1. Does Ofcom have any say in how Openreach run aerial cables?*
- 2. Is there a policy that I can look at?*
- 3. Did Ofcom approve or have sight of the Openreach aerial cabling policy and can Ofcom provide me with a copy of this policy, so that I can compare this to the cables that have recently been installed?*
- 4. Is there any requirement to install new cables underground?*
- 5. Roughly how many homes in the UK are or will be connected by aerial fibre cables?*
- 6. Would Ofcom support me in petitioning Sir Chris Bryant MP, Minister of State for Data Protection and Telecoms, to oblige Openreach and other similar companies to consult the local community before installing a significant number of new aerial cables?”*

Our response

- 1. Does Ofcom have any say in how Openreach run aerial cables?*

The rules governing the deployment of new poles and overhead lines are set out in planning legislation and in the [Electronic Communications Code](#) (ECC). The ECC and associated regulations are set by the Government, and Ofcom’s role is limited to enforcement of the Regulations. The

Government amended the ECC Regulations in 2013 to allow telecoms operators to erect poles without requiring planning permission, with the intention of promoting investment in new networks.

The ECC is set out in Schedule 3A of the Communications Act and can be found here.

<https://www.legislation.gov.uk/ukpga/2003/21/schedule/3A>

The ECC (Conditions and Restrictions) Regulations can be found here.

<https://www.legislation.gov.uk/uksi/2003/2553/introduction/made>

Please note that the version of the Regulations on the government site (linked above) are not up to date and do not include all of the subsequent amendments, the most important of which were made in 2013 and can be found here <https://www.legislation.gov.uk/uksi/2013/1403/contents/made>

In addition, providers also have to follow guidelines set out in the Code of Practice, which can be found here. <https://www.gov.uk/government/publications/cabinet-siting-and-pole-siting-code-of-practice-issue-2-2016>

Under these rules, providers such as Openreach are allowed to install telegraph poles and fly wires without planning permission. They do, however, have to provide the local planning authority with 28 days notice of their plans and inform local residents such as by placing notices. For Sites of Special Scientific Interest ('SSSI') in England they are also required to provide notice to Natural England. In Scotland the relevant authority is Scottish Natural Heritage, in Wales the Natural Resources Body for Wales.

2. Is there a policy that I can look at?

3. Did Ofcom approve or have sight of the Openreach aerial cabling policy and can Ofcom provide me with a copy of this policy, so that I can compare this to the cables that have recently been installed?

Ofcom does not have any role in the decisions of providers on where to site their equipment and we therefore do not have a copy of Openreach's internal policy in relation to this.

4. Is there any requirement to install new cables underground?

There is no obligation to install new broadband lines underground. This is set out in the 2013 amendments to the Regulations referenced above.

5. Roughly how many homes in the UK are or will be connected by aerial fibre cables?

As of 2018, approximately half of all premises in the UK were served by overhead cables¹.

6. Would Ofcom support me in petitioning Sir Chris Bryant MP, Minister of State for Data Protection and Telecoms, to oblige Openreach and other similar companies to consult the local community before installing a significant number of new aerial cables?

The rules are a matter for Government, and Ofcom has no role in lobbying Government.

¹ [Ofcom \(2018\) Wholesale Local Access Market Review: Statement – Volume 3, page 29, footnote 64.](#)

We hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress. Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).