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By post and by email

1 June 2017

Dear Sirs

**Consultation dated 24 March 2017 on the Proposed Code of Practice, Standard Terms of Agreement and Standard Notices to accompany the Electronic Communications Code**

Heathrow Airport Limited welcomes the opportunity to respond to this consultation.

With regard to the scope and drafting of the Code of Practice document, our principle concerns arise from the '*New Agreements for the installation of Apparatus*' section of the Code.

Heathrow's highest priority is the safety and security of its passengers, staff and all others that operate at the Airport. The Code of Practice, as it stands however, does not direct nor require operators to give any consideration to the unique nature of an Airport environment, with its emphasis on safety and security, when executing their requirements.

Heathrow Airport does not and cannot fall within the standard classification of "landowner" referred to throughout the consultation document and we think it necessary that the final form Code of Practice does reflect the unique nature and requirements of certain landowners, including, obviously, airports.

By way of an isolated example, at paragraph 4.22 of the Code of Practice, seven days is suggested as a reasonable period within which operators should be given access to a site. Whilst this may be satisfactory for the majority of commercial landlords, as an airport, seven days is unlikely to be a feasible period within which to give an operator access, due to the safety and security concerns surrounding giving third parties access.

We submit that in the interest of safety and security at airports, telecoms operators must be subject to similar duties as those set out in the Water Industry Act 1991 under which water undertakers have similar powers to carry out works but are also required to consider the nature

of the land on which they are to carry out the works (Schedule 13, Part 1, Paragraph 1). The Act makes provision that where any works would interfere, directly or indirectly, with works or property owned by, or the carrying on of, a 'Protected Undertaking' (which includes Heathrow Airport), the undertaker must first obtain consent from the Protected Undertaking. This consent may be subject to reasonable conditions.

Whilst, Heathrow acknowledges the need to ensure that Telecoms Operators are able to access land and install equipment to provide satisfactory telecommunications services to our customers, we consider that, similarly to the Water Industry Act 1991, the Code of Practice should direct Operators to take into account the particular issues and obligations faced by Heathrow as both a landlord and an airport when exercising their rights.

With regard to the relocation of apparatus, paragraph 4.52 of the Code of Practice re-affirms the 18 month notice period required where the landlord intends to redevelop land but again, the Code of Practice should be the tool that directs operators and others to consider the unique nature of certain operating environments, in our case an international airport, which is constantly subject to change, transformation, upgrading and reconfiguration in the interest of passengers and other users of the airport.

The new Code is, we acknowledge, intended to be in the public interest but that, of course, must be balanced against safety and security and the need for major airports to undergo transformation, redevelopment and reconfiguration which, we would argue, are of equal - if not greater - importance to the public.

We work with our telecoms operators to achieve the best possible service for the travelling public but for that to continue, the operators must give due regard (and must be guided to give due regard) to the airports requirements just as the airport (as landowner) is required to give due regard to theirs.

Heathrow is one of the busiest hubs in the world with more than 72 million passengers traveling through the airport every year. Over 80 airlines fly from Heathrow and more than 900 organisations are present on our estate with a combined staff of c. 76,000.

Wireless connectivity, including cellular, is fundamental for the everyday operations at the airport. Fast, reliable and ubiquitous cellular coverage is important in order to serve the passengers' needs as well as to support the connectivity required by airlines, handlers, retailers and Heathrow operations.

Providing the necessary services to cover indoor and outdoor areas across the 11.5 km<sup>2</sup> of the airport is a challenge. Over the years Heathrow has worked collaboratively with the cellular operator to ensure that adequate infrastructure is delivered while taking into consideration the unique situation posed by concerns over interference with radars as well as other wireless technologies adopted at Heathrow and the limitations of working in highly restricted areas in a 24/7/365 operational environment.

In order to provide ubiquitous cellular connectivity, Heathrow has built and operates 2G/3G/4G common infrastructure that by early 2018 will cover all Terminals. The importance of collaboration at Heathrow is well demonstrated by the fact that all cellular operators are connected to our common infrastructure.

We trust that the above points will be given due consideration and will be reflected in the final version of the Code of Practice. Please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully,



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