

Report from District Councillor Mansilla

The first council meeting of the new year 2024 was held on the 20 January 2024.

The main decisions made by the Cotswold District Council (CDC) were:

(1) the approval of the changes to the Scheme of Delegation in respect to the call in of planning applications and notifications to the Planning & Licensing Committee;

(2) the approval of other changes to the Scheme of Delegation relating to Article 4 directions and Disposal of Planning applications;

(3) the approval of the change in frequency of the Planning Review Panel and the associated changes to the Planning Protocol in respect to this and the required attendees;

(4) the review and approval of the 2024-2028 Corporate Plan (“**Our Cotswolds Our Plan**”); and

(5) the creation of a new Local Plan that would extend the plan period from 31 March 2031 to 31 March 2041.

Full details of the event can be found at the following link: [https://meetings.cotswold.gov.uk/documents/g2123/Public reports pack 24th-Jan-2024 14.00 Council.pdf?T=10](https://meetings.cotswold.gov.uk/documents/g2123/Public%20reports%20pack%2024th-Jan-2024%2014.00%20Council.pdf?T=10)

Other Matters

Crowdfunding

The next online workshop to learn how to start your own crowdfunding campaign will take place on Thursday 22nd February at 12pm. Registrations can be made at the following link <https://www.eventbrite.co.uk/e/crowdfund-cotswold-spring24-project-creator-workshop-tickets-798656612427?aff=oddtcreator>

Community Facilities at Hazel View

On the 31 January, I attended the Community Facilities at Hazel View meeting organised by GCC and KPC aimed at finding a way forward to solve the outstanding

issues regarding the condition of the community facilities at Hazel View. CDC officers Dan Lewis and Jasper Lamoon also attended in response to a request from Cllr Mansilla.

Flooding

In January 2024, I was on-site at the Priory to witness the severe flooding issue that was escalated. At the time I consulted with Thames Water, Turners, the emergency water removal company and many residents. It took a few days for the water and sewage to subside and enable all residents free access to/from their properties. I am glad to report that Turners is currently looking into upgrading the sewage system. This serves to highlight that there are areas for improvement in the local system as seen elsewhere in the rest of the Ward. This is something which CDC continues to monitor.

Planning

- **Potential deployment of gigabit-broadband network/s**

1. As February 1, there were no applications in the CDC system from or on behalf of Full Fibre Ltd, or any other fibre optic network installer, to put up any poles and cables in LKFS.

2. Telecommunication operators (e.g. fibre optic network installer) do not need planning permission for telegraph poles, cabinets, or lines for fixed-line broadband, even in AONBs or conservation areas, under the Town and Country Planning Order 2015 (GDPO), as amended (see below).

Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015

A.2 (5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband. <https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/16>

The Electronic Communications Code (the Code) set out in Schedule 3A of the Communications Act 2003 (see below), also grants operators to to perform street works and install and maintain apparatus (e.g. poles) on, under and over land. See link <https://www.legislation.gov.uk/ukpga/2003/21/schedule/3A>

However, when exercising their rights to install apparatus, operators must also adhere to the duties and obligations contained in the Electronic Communications Code (Conditions and Restrictions) Regulations 2003. For instance,

- to share apparatus, use underground lines, and minimise visual amenity, hazards, and traffic interference when installing apparatus where reasonably practicable. See below; and

The Electronic Communications Code (Conditions and Restrictions) Regulations 2003

4.—(1) A code operator shall install all lines underground unless—

(a) the line is flown from a pole in an area where service lines are already flown from poles;

(b) the line is—

(i) affixed to and lying on the exterior surface of a building or other permanent structure and is either used as a service line or terminates at a service line distribution point;

(ii) a service line flown from the eaves of one building or other permanent structure to those of another where the distance between them is less than 8 metres; or

(iii) a feeder cable connecting equipment for the provision of services by wireless telegraphy;

and is neither affixed to a building shown as grade 1 or category A in the statutory list of buildings nor located in a conservation area;

(c) the line is attached to or supported by poles or pylons which are used in connection with the transport of electricity at a nominal voltage of at least 6000 volts;

(d) the line is installed for the purpose of providing a temporary electronic communications network under regulation 15; or

(e) it is not in all the circumstances reasonably practicable to do so.

5.—(1) A code operator must give one calendar month's notice, in writing, to the planning authority for the area in question where—

(a) he has not previously installed electronic communications apparatus in the area and is intending to install electronic communications apparatus, other than lines, in that area; or

(b) he intends to install a cabinet, box, pillar, pedestal or similar apparatus for the installation of which he is not required to obtain planning permission under the Town and Country Planning Act 1990(1).

(2) The notice to be given under paragraph (1) must state the code operator's intention to install electronic communications apparatus and must describe that apparatus and identify the location where it is proposed to install it.

(3) Where a code operator has given notice under paragraph (1), the planning authority may, within one calendar month of the receipt of that notice, give the code operator written notice of conditions with which the planning authority wishes him to comply in respect of the installation of the apparatus, but he is not obliged to comply with those conditions to the extent that they are unreasonable in all the circumstances. <https://www.legislation.gov.uk/ukxi/2003/2553/regulation/4/made>

- to inform CDC of their intention to deploy certain apparatus, e.g. fixed-line broadband poles, with 28 days' notice in certain circumstances. CDC may provide written notice of conditions to operators within 28 days of receiving notice, but operators are not required to comply if conditions are unreasonable.

Notwithstanding the above, if CDC believes operators are not complying with their statutory duties, it can inform Ofcom, which will, in turn, may consider the merits of each case.

There is also a voluntary code of practice—the Cabinet Siting and Pole Siting Code of Practice 2016— which encourages operators to engage with CDC, town councils, and communities, by e.g. requiring site notices for pole installation. See link: <https://www.gov.uk/government/publications/cabinet-siting-and-pole-siting-code-of-practice-issue-2-2016>

- **Lakes by Yoo Leisure Facility**

In early December 2023, CDC delivered to the Lakes guidance from Sport England about how to design leisure facilities.

I continue to liaise with the representatives of Corylus Planning & Environmental Ltd and Lakes by Yoo to help formalise the Leisure Facility delivery through the official process.

Future Meetings

The next full Council meeting will be held on Wednesday, 21st February, 2024, at 6.00 pm.

Feedback

Please do let me know if there are particular matters/subjects which you would like to see included in my updates. Moreover, please do get in touch if there are any queries arising out of this report. My email is: helene.mansilla@cotswold.gov.uk