

Visit of Freedom Fibre (FF) Delivery Operations team on Thursday 24 October 2024, primarily to meet representatives of Kinnerley Parish Council (KPC)

Meeting outside Kinnerley Parish Hall (KPH) at 10:00 am

Present:

Freedom Fibre : Adele Cihlar (AC, Delivery Operations Director), Steven Slingsby (SS, Head of Build Assessment), Alexandra Binnie (AB, Operations Service Manager)
Kinnerley Parish: Parish councillors Charles Green (CG), Desmond Hudson (DH), James Peto (JP), Nick Barclay (NB) and Mark Cuthbert-Brown (MCB); and Steve Irvin (SI)

Notes arising

The meeting came about after KPC wrote directly to the recently appointed CEO of FF and it was a welcome development after a period of unresolved communication with FF on behalf of KPC and residents. As at the date of the meeting several queries remained unanswered by FF.

Proliferation of poles and wires

AC led a useful discussion and question session outside KPH, centring on the concern about proliferation of poles and wires. It emerged that FF has adopted a “hierarchy of choice” for installing the new FF network:

- 1. Use existing BT/Openreach underground network:** FF will use existing ducting where their “test rod and rope” investigations have cleared them for use. The maps supplied to KPC showed extensive lengths of underground connection but much of that would be armoured cable (“self-burying cable”) which cannot be used. FF cannot use existing BT cabinets or wires because their network is fully independent of BT’s network. Any existing BT infrastructure, such as ducting, can only be used as a “carrier” of the FF network. With the copper wire Public Switched Telephone Network (PSTN) switch off currently scheduled to take place in 2027, the existing copper network would not function after that anyway.
- 2. Use existing BT/Openreach poles:** There is an existing effective (“robust”) Physical Infrastructure Access (PIA) agreement in place with BT/Openreach to use their poles. However, some poles may have a "D" label on them (indicating the pole is defective and not safe to climb). Some poles may not always be where the BT/Openreach maps show them to be.
- 3. Erect new poles:** Proposed locations are indicated by notices (see example below), usually on wooden posts, allowing 28 days for objections. The first new FF poles to be erected are in the Pentre area (see site visits below). Poles will be placed at different depths depending on the number of proposed wires for the maximum number of potential customers to be supplied from that pole. FF have a contractual requirement to supply all “subsidised” properties, as designated by the regulator, Building Digital UK (BDUK). There are around 2,000 such properties across the FF North Shropshire contract.

FF have recently told KPC that they will be using around 330 existing BT/Openreach poles in Kinnerley Parish, compared with the 167 new poles which were reported some time ago to be required. That ratio, of almost exactly one new pole for every two existing poles, still seems quite a high proportion of new poles when almost every property is already served by an

existing pole, and when FF contends that it is complying with all Government practices about sharing poles.

4. **Use Scottish Power Energy Networks (SPEN) or National Grid (NG) poles:** Unfortunately, FF do not have an extant agreement with either NG or SPEN, despite discussing the potential to come to such an agreement; any blanket agreements that exist with these companies are between themselves and BT/Openreach. The only robust overarching PIA agreement that FF have in place is that with BT/Openreach, as noted above. Health and Safety issues are paramount when sharing potentially dangerous electricity bearing poles/infrastructure, and these issues and ongoing maintenance of the FF network where electric poles have been utilised, are reasons why the process to come to a formal agreement is fairly complex. The responsibility for dealing with any future faults or failures requiring repair is in FF's view uncertain and therefore a risk factor. Health and Safety legislation will require all staff and/or sub-contractors to be appropriately trained and equipped to access such electricity poles/infrastructure. FF asserted that poles carrying the high voltage network (11kV and over) cannot be used and that required minimum height/safety clearances over existing lines prevent use of some other poles. There is generally also a consideration of excessive proliferation and routing of wires from a single electricity pole – many already have BT/Openreach wires in addition to electricity wires. Electricity poles can be looked at on a case-by-case basis in regard to one-off agreements, however, as implied above, many of these poles are not fit for use due to capacity issues with existing copper networks utilising the space.
5. **New underground connection:** considerations as above under 1. New undergrounding would involve disruptive and expensive digging, including obtaining wayleaves, highway closures etc. As a general statement the digging of trenches to lay FF cable underground was not being pursued.

Some Airband poles can also be used, but only on a pole-by-pole agreement.

The original surveys were primarily desk based, with some on the ground surveying. Exact ground conditions will always affect final placement of a pole.

It was significant that, during the meeting, no FF staff member acknowledged or referred unprompted to the ongoing legal obligations that, notwithstanding their own hierarchy of installation preferences, they were under a continuing duty to consider, thereby minimising intrusion and/or adversely affecting the locality, particularly in conservation areas. When pressed, they said that they were taking these matters into consideration, particularly within the Kinnerley Conservation Area.

As to the overhead wires, connections to properties from poles will only be installed after a customer asks for such a connection. Such connections are free, but customers would then need to subscribe (for around £22 - £29 per month currently) for a broadband package.

The area covered by the Project Gigabit contract (including within Kinnerley Parish) will be supplied from one or more of 19 "cabinets" in the programme, which each can supply around 450 properties. The existing green BT/Openreach cabinets cannot be used. The existing BT/Openreach copper wire network (which under current plans is to be withdrawn) is not being used.

Communications

Problems with past communications were also raised. AB has recently been put in post to help address these issues. It was said that she will begin to address the backlog of currently unanswered contacts from the community.

Site visits

Site visits were then made to four locations

- 1. Vicarage Lane:** All attendees walked to proposed pole location SHF31 PO-093-035 (see copy notice below), near the dwellings “Sparrows” and “Hazelcroft” (one of the oldest properties in Kinnerley), which is within the Conservation Area. Under Part 16 of the General Permitted Development Order 2015 (the order referenced at the very top of the notice below) FF have an obligation when installing equipment to minimise the visual impact, particularly when considering potential impact on the likes of conservation areas. This recently posted notice of intended pole erection was on a SPEN pole but that was clearly not the intended final location for the proposed new pole, which raised the question of the validity of the notice. Regrettably, the detailed FF maps were not available for viewing because FF staff could not get a mobile signal at that location. The only maps available to SS were similar to that as shown further below, which were plainly inadequate to inform the on-the-ground discussions at this location. The more detailed maps, accessible on mobile devices over the internet, have been seen being used by FF’s subcontractors whilst erecting wooden poles and notices in the area, but have not been made available to KPC.

Subsequently, it emerged that when each notice is sent to the LPA, it is accompanied by a photomontage of the intended location of the relevant pole. The photomontage for pole location SHF31 PO-093-035 is also reproduced further below. These photomontages were also not available at the site visits.

In addition to the unresolved issue of the exact location of the pole, the route of overhead wires also requires clarity. The running of overhead wires: a) to multiple properties and b) to adjacent properties across private gardens, will have a visual impact on properties and this needs to be avoided particularly in the Conservation Area. FF will provide details, via KPC, of the exact intended location of the pole and where overhead wires (both the main fibre wire and individual resident connections) will run in the Conservation Area. FF accepted that the current notice was not effective since it failed to identify with reasonable precision the location proposed for the new pole and therefore the 28-day period to file objections was not underway.

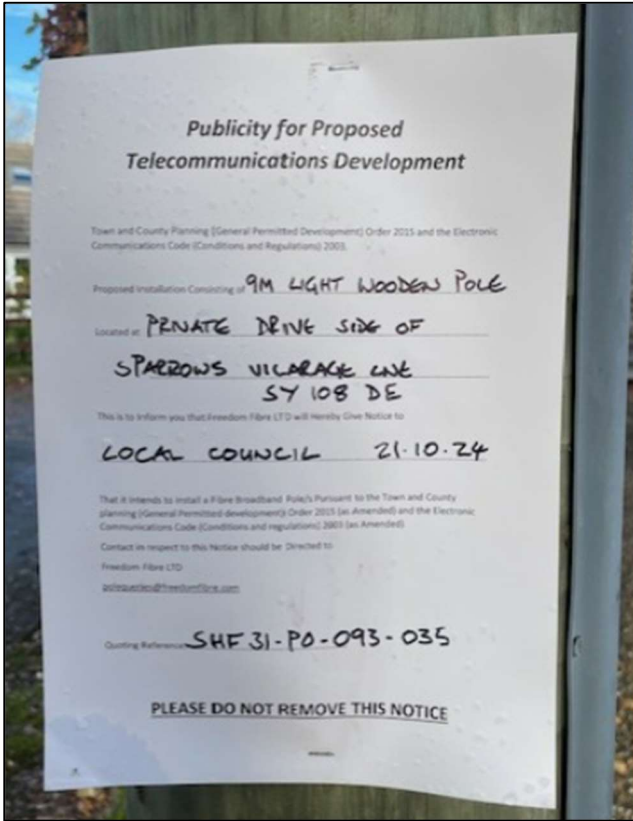
Under Regulation 5 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, a telecommunications code operator must give one calendar month’s notice, in writing, to the relevant Local Planning Authority (LPA) where new equipment is to be installed without having to obtain full planning permission (as in the notice below). FF wish to clarify that the process with these Regulation 5 notices is to give the LPA 28 days in order to raise any issues with the proposed pole locations. FF use this period of time to consult with residents also so that any objections received can be reviewed, in conjunction with any issues raised by the LPA, to reach a mutually agreed location where possible. FF are absolutely prepared to address all concerns up to and including the time of the meeting on 28 November (see below). They cannot place any build on hold indefinitely but are committed to exploring all options for issues raised, so that they can either implement a solution, or provide reasons why an alternative solution would not be possible in each case.

2. **Chapel Lane:** All attendees then walked to proposed pole location SHF31 PO-094-065, also in the Conservation Area (the wooden post was damaged and the notice was no longer easily readable). Discussions centred largely around the possible use of SPEN poles/infrastructure.
3. **Pentre:** MCB then led AC, SS, DH and CG by car to view the newly erected poles at locations near SHF31-PO-090-016. One pole had already been knocked markedly from the vertical by a passing agricultural vehicle. Subsequent to the meeting a farmer admitted hitting the pole in question with a boom; that pole also made tractor and trailer access to an adjacent gateway very difficult in the narrow lane. With FF's subsequent agreement, the replacement pole will be sited 10 metres away from its original position in order to avoid causing any further obstruction issues for agricultural vehicles. It was thought that poles may have been placed on opposite sides of the road in order to avoid trees. The exact route of the wire to supply MCB's own property was also clarified.
4. **Dovaston:** Separately, NB and AB went by car to proposed pole location SHF31-PO-093-039. Subsequent to the meeting FF's Survey Team has confirmed that the planned location for this pole has been moved to a preferred location on the other side of NB's driveway.

Next Steps

1. KPC will share these meeting notes with FF and the community.
2. FF will provide follow up responses to KPC following this informative and helpful meeting.
3. KPC will distribute to the community as far as possible details as they are received from FF of changes to planned pole installations and where the 28-day notice period may be actioned so that any affected homes/individuals can file objections etc as may be appropriate.
4. FF have arranged for a drop-in session for residents at Kinnerley Parish Hall on Thursday 28 November 2024, from 5:00 pm to 7:00 pm. FF has agreed to extend the period that people have to comment on proposed pole locations in Kinnerley Parish from the present 28 days until after this residents meeting on 28 November. It is also requested that maps be available at the meeting at a large enough scale to identify the exact proposed locations of new and existing poles and that photomontages as submitted to the LPA also be available.

Copy of the notice at proposed pole location SHF31 PO-093-035



Copy of related photomontage sent to LPA



Example map available at the meeting:

