

Brian Potterill
Policy Director, Networks &
Communications
Direct line: 020 7783 4107
Email: brian.potterill@ofcom.org.uk

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Our consultation concerning our proposal to grant Code powers to Gigability limited

Thank you for your response to Ofcom's consultation regarding the application of powers, under the Electronic Communications Code (the Code), to Gigability Limited. Ofcom considers each response to its consultations carefully, and we are grateful that you have taken the time to write to Ofcom.

The Electronic Communications Code (ECC) aims to provide certainty for parties involved in and directly affected by the installation and maintenance of electronic communications apparatus on, under, or over public and private land. Broadband providers granted Code powers by Ofcom (Code Holders) are required to comply with any restrictions or conditions imposed under the amended Electronic Communications Code (Conditions and Restrictions) Regulations 2003 ('The Regulations').

When broadband providers are planning to install new infrastructure, they are required under the rules to follow guidance set out in a separate [Code of Practice](#) which has been agreed by planning bodies and Code operators. It provides guidance on the siting, keeping, maintenance and use of above the ground electronic communications apparatus, specifically cabinets and poles. Code operators are required to notify planning authorities of planned deployment, and we would expect the local planning authority to have some influence on where the infrastructure is finally placed. Whilst providers are not obligated to consult with residents directly, they do have to place notices or inform residents of intended works or use alternative means of informing residents as agreed with the local authority.

While we understand the concerns you raised, following assessment we have concluded that we see no legal or material need to prevent Gigability Limited from being granted code powers.

We will move forward with granting code powers and appreciate your engagement with the consultation process for the ECC.

In the interests of transparency Ofcom will normally publish responses on the website, alongside the Consultation.

Yours sincerely,



Brian Potterill
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Switchboard: +44 (0)20 7981 3000
or +44 (0)300 123 3000

www.ofcom.org.uk