



FACULTY OF ADVOCATES

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**PROPOSED CHANGES TO THE ELECTRONIC COMMUNICATIONS CODE
(CONDITIONS & RESTRICTIONS) REGULATIONS 2003**

Further to the letter of 17 March 2016 from the Department for Culture, Media and Sport, the Faculty of Advocates would respond in the following manner to the questions that have been posed:

1. *Whether the notice period for apparatus previously subject to the prior approval process under Part 16 should be replaced by a 28-day notice period under regulation 5 to ensure consistency with how operators consult planning and other authorities where there is no prior approval?*

Yes.

In our view, it is sensible for there to be consistency between the timescales for those developments where the prior approval process is to be replaced by a period of notice to certain consultees.

2. *Whether, for the deployment of apparatus in protected areas which no longer requires prior approval, the list of consultees under regulation 5 should be extended to include those listed under regulation 8?*

Yes.

In our view such an approach strikes a sensible balance between the protections provided by the involvement of the consultees with the encouragement of the commercial benefits to be derived from the ready ability to develop telecommunications networks facilitated by the removal of prior approval.

3. *Whether any further changes are needed to the Code regulations, which are intended to cover the operational aspects of the way in which telecoms operators exercise their permitted development rights?*

The Faculty of Advocates has not identified any further changes required to the Code regulations.

4. *Whether, for extending an existing mobile phone mast within 3km of an aerodrome there should be a requirement for code operators to notify either the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator as appropriate and to take notice of objections if reasonable?*

Yes.

In our view, it is a common sense precautionary measure for such notification to be provided to the relevant aerodrome operator.