

REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: EXECUTIVE

DATE: 19th October 2023

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REDIFFUSION CABLES

PURPOSE OF REPORT

For the Executive to discuss the issues surrounding the remaining cables of the former Rediffusion company.

RECOMMENDATION

That the Executive notes the issues but does not act further on the matter.

REASON FOR RECOMMENDATION

The Council has no statutory responsibility for the cables, with the responsibility lying with the owners, Health and Safety Executive and highways authority, and the issues should be dealt with by the parties legally responsible for the apparatus and highway safety.

ISSUE

- 1 The matter has been referred to the Executive by West Craven Area Committee. The background to this is that there are areas of the Borough that were served by a now dissolved company named Rediffusion. That company provided television services to residents. This took the form of cables that were installed to transmit television signals to individual properties as a paid for service. Signals were received from a central point and then relayed via these cable to private properties.
- 2 The cables were thicker and heavier than modern overhead telephone cables. The were attached mainly to private properties and stretched over the highway and roofs. The cables have been in situ for many years and although some have been voluntarily removed there are areas that still have cables in situ.

- 3 Some of these cables are coming loose and may pose a threat to the public and property. There is no definitive list of where these are and the exact extent of the remaining infrastructure is not known. There are however concerns regarding some of the cables in Barnoldswick. The matter is brought to the Executive to consider what can be undertaken to deal with these cables.

Legal Framework

- 4 Trying to deal with the issues relating to the cables would need to be proceeded with on a lawful basis. The following describes the legislation that the Council and other organisations have at their disposal to deal with problems.
- 5 The cables lie on private land or over the public highway. The responsibility for private land and matters relating to the public highway are normal for the private land owners and the local highways authority respectively. The company which installed and operated them would also have responsibility for the cables but that company and its successors have ceased trading. When the matter was considered in 2017/18 no legal entity could be identified which has a current responsibility for the cables. Those whose land the infrastructure is on would therefore be the parties responsible for the existing apparatus.
- 6 The cables are not structures and so the Council would have no powers to deal with them under the Building Act 1980. They have been in place for many years and would be immune from enforcement action under Planning Legislation.
- 7 Section 79 of the Environmental Protection Act defines matters that could be a statutory nuisance. That defines 11 matters that constitute a statutory nuisance. None would include a network of cables within their definition.
- 8 The Anti-Social Behaviour, Crime and Policing Act 2014 has provisions in it under Section 43 to deal with the conduct of individuals or a body if that is having a detrimental and continuing effect on the quality of life of those in the locality. It is unlikely that the existence of cables, that have been in place for decades, could now be considered to be having a detrimental impact on the quality of life of people. The Act would in any event require notices to be served on individual people or a body. That would require notice to be served on the owners of buildings on which the cables are situated should it be deemed that they are affecting the quality of life of the area.
- 9 The Highway Act 1980 has within it provisions to protect the highway. For example Section 152 gives the power to remove certain items projecting from a building if it obstructs the safe passage along a street.
- 10 There is no apparent legal basis for Pendle to be able to take action on the cables were it to be decided to do so. The cables are also not in the ownership of the Council and so any work to them would be carried out both without statutory powers and on private property.
- 11 The Health and Safety Executive would also have a role to play in some situations where there may be dangers arising out of apparatus affecting a workplace including working from home.

Costs and Other Matters to Consider

- 12 The costs of carrying out works would only be able to be understood when the scale of the issues involved were known. Estimates for some work were made in 2018. In order to remove some cabling in Barnoldswick scaffolding was required. Estimates for the removal of two cables on Albert Road and Rainhall Road/Ellis Street comprised of £4,500 for Albert

Road and £2,500 for Rainhall/Ellis Street. The latter did not include equipment hire or CDM Coordinator so would have been higher. No staff costs were included in this and there would need to be a dedicated resource to run the project.

- 13 The extent of the issue is not known across the Borough. However the costs for carrying out individual remediation as set out above are high. Were that to be replicated across the Borough or wider in Barnoldswick the Council would have to find a significant amount of money to support the work. For example, with on costs, 20 cases would have a financial implication of circa £100,000.
- 14 Were the Council to undertake work it would need to ensure it had liability insurance for damage that may be caused to property.
- 15 There would also be costs for the health and safety precautions that would be needed such as road closures where apparatus would be removed on or above a highway.

The Way Forward

- 16 Some of the cables that are known to exist and the attachment to property are of concern and may be at a point where they could cause injury and damage. In the absence of a statutory role in seeking their removal the Council would be in a position to try and seek their removal by discussion with land owners, the Local Highways Authority and infrastructure providers that may be affected by the current condition of the infrastructure.
- 17 The wider scale or not, of the problem is not known across the Borough and the Council could only deal with the known issues unless a decision was taken to do wider surveys. There is no resource however available to do this work.

IMPLICATIONS

Policy:	None arising from this report
Financial:	There would be financial implications were the decision to be taken to carry out physical work and remove the cables. Liability insurance would also be needed for removing private property. The full costs would only be able to be assessed if the scale of the problem is known and estimates of the total made. If the cost estimates for known sites are typical costs the financial implications for a wider programme of removal would be significant.
Legal:	As a responsible body the Council should act in accordance with the law. Unless there is a legal basis on which to act to remove the cables the Council should not proceed with direct action.
Risk Management:	The risks are the financial risks initially but there are also risks associated with carrying out works in the absence of a statutory basis for doing so.
Health and Safety:	None identified as a result of this report
Sustainability:	None directly arising from this report.
Community Safety:	Removal of the cables would enhance community safety by removing potential dangers.

Equality and Diversity: The impact of planning policies on equality and diversity have been considered through the Sustainability Appraisal.

LIST OF BACKGROUND PAPERS