

LOCAL PLAN SUB COMMITTEE - 4 JULY 2019

PART I – NOT DELEGATED

5. BROADBAND AND ELECTRONIC COMMUNICATIONS POLICY (DCES)

1 Summary

- 1.1 This topic paper sets out the key issues that the new Local Plan needs to address in relation to broadband and mobile technology.

2 Details

Broadband

- 2.1 Access to broadband is vital for growing a sustainable local economy, for education and home working and is now widely accepted as an essential utility, important to homes and businesses alike. At a local level, the availability, reliability and speed of broadband provision is now a key consideration for house buyers and a key concern for the business sector.
- 2.2 People are increasingly accessing a wide range of online services (catch-up TV, video on demand, streaming, social media services, podcasts, audio streaming) through different smart devices – such as smart TVs and mobile phones. In addition, web-based messaging through platforms like Facebook and WhatsApp is also increasing.
- 2.3 According to OfCom's Annual Plan 2019/2020 data traffic over fixed and mobile networks is increasing. Fixed broadband data usage increased from 190GB per household per month in 2017 to 240GB in 2018. The proportion of people accessing the internet on mobile phones grew from 66% in 2017 to 72% in 2018.
- 2.4 Connected Counties Broadband Programme
- 2.5 The Connected Counties Broadband Programme is a partnership between the Department for Culture, Media & Sport, Hertfordshire County Council (HCC), the Hertfordshire Local Enterprise Partnership (LEP), Buckinghamshire County Council and Openreach.
- 2.6 The programme is grant funded and aims to extend superfast broadband access to residential and commercial premises where there is no commercial coverage¹, either planned or existing.
- 2.7 The programme has expanded coverage of superfast broadband across Hertfordshire from 83% in 2012 to more than 97% in 2018.
- 2.8 Three Rivers District Council had 91.8% superfast coverage prior to the Connected Counties programme and is now at 98.5% coverage. There are still areas within the District that do not have coverage.

¹ EU rules do not permit public funds to be spent where there are existing or planned commercial broadband coverage by the network providers.

- 2.9 The Connected Counties Programme is essentially a retrofit programme – providing existing premises with the ability to connect to superfast broadband.
- 2.10 In order to ensure that future residents and businesses within Three Rivers are able to access superfast broadband and mobile technology the new Local Plan will need to contain a policy which support the expansion of electronic communications network (including 5G) and full fibre connections for all new development.

Electronic Communications

- 2.11 Electronic communications includes items such as antennae for mobile phone signals, masts, cabinets, cables, ducts, telegraph poles, satellite dishes etc.
- 2.12 Most forms of development by or on behalf of an electronic communications operator for the purpose of the operator's electronic communications network are 'permitted development' and only subject to 'prior approval'.² The prior approval procedure means that the principle of development is not an issue. The local planning authority can only consider the siting and appearance of the proposal.

3 National Planning Policy Framework

- 3.1 Section 10 of the National Planning Policy Framework (NPPF) (see Appendix 1) sets out the Governments policy on high speed broadband and electronic communications.
- 3.2 The NPPF makes it clear that planning policies should support the expansion of electronic communications networks and full fibre broadband connections.

4 Policy Recommendations

- 4.1 It will be important for all new residential, employment and commercial developments to provide the means to enable connection to be made to fibre optic broadband infrastructure as the main technology for delivering superfast connections. This should be designed and installed as an integral part of development to avoid the visual impact and future disturbance caused by retrofitting. It is recognised that the availability of broadband infrastructure will vary across the District.
- 4.2 The expectation is that where such infrastructure is not readily available nearby, provision is made for ducting and cabinets to enable easy connection at a later date.
- 4.3 In 2017 the Government defined superfast broadband as being at least 24Mbps therefore this is the minimum level of service that is considered acceptable.
- 4.4 The aim of the draft policy is also to ensure that electronic communication apparatus is kept to a minimum through encouraging the sharing of equipment where this is technically possible. The impact of electronic communications can be minimised through careful design, colouring and landscaping to minimise visual intrusion which can help protect the character and appearance of an area.
- 4.5 The proposed Draft Broadband and Electronic Communications Policy is in Appendix 2 to this report.

² Schedule 2, part 16 of The Town & Country Planning (General Permitted Development) (England) order 2015 (As amended)

5 Options and Reasons for Recommendations

5.1 The Council has a legal requirement to produce a Local Plan.

6 Policy/Budget Reference and Implications

6.1 The recommendations in this report are within the Council's agreed policy and budgets.

7 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

7.1 None specific.

8 Recommendation

8.1 That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the Draft Broadband and Electronic Communications Policy as set out in Appendix 2.

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Background Papers

OfCom's Annual Plan: Our programme of work for 2019/20 https://www.ofcom.org.uk/data/assets/pdf_file/0020/141914/statement-ofcom-annual-plan-2019-20.pdf

Connected Counties Broadband Programme <http://www.connectedcounties.org/news/article/13/connected-counties-newsletter-19>

National Planning Policy Framework (2019)

APPENDICES

APPENDIX 1 Section 10 of the National Planning Policy Framework

APPENDIX 2 Draft Broadband and Electronic Communications Policy.

APPENDIX 1: NATIONAL PLANNING POLICY FRAMEWORK

NPPF

Section 10: Supporting high quality communications

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
113. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
- a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
115. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

APPENDIX 2: DRAFT BROADBAND AND ELECTRONIC COMMUNICATIONS POLICY

BROADBAND AND ELECTRONIC COMMUNICATIONS

National Context

The National Planning Policy Framework sets out the Government's policy on full fibre broadband connections and electronic communications networks which include next generation mobile technology (such as 5G). It recognises that high quality and reliable communications infrastructure is essential for economic growth and social well-being.

Local Context

The Council recognises that electronic communications networks and the availability, reliability and speed of broadband provision is essential to the development of the local economy and for the benefit of the local community. The Council supports the expansion of electronic communications network and full fibre broadband connections for all new development.

With regards to electronic communications equipment (including satellite dishes, microwave antennae, radio masts, public call boxes, cabinets and other types of telecommunication equipment) the aim is to ensure that these are kept to a minimum through encouraging the sharing of equipment where this is technically possible. The impact of telecommunications can be minimised through careful design, colouring and landscaping to minimise visual intrusion which can help to protect the character and appearance of an area. The policy applies to planning applications and prior notification applications. When considering applications the Council shall have regard to the legal requirements placed upon electronic communications operators to provide an adequate service and any technical and operational obligations that the operator is required to undertake.

It will be important for all new residential, employment and commercial developments to provide the means to enable connection to be made to fibre optic broadband infrastructure as the main technology for delivering superfast connections. This should be designed and installed as an integral part of development to avoid the visual impact and future disturbance caused by retrofitting. It is recognised that the availability of broadband infrastructure will vary across the District.

The expectation is that where such infrastructure is not readily available nearby, provision is made for ducting and cabinets to enable easy connection at a later date. In 2017 the Government defined superfast broadband as being at least 24Mbps therefore this is the minimum level of service that is considered acceptable.

POLICY: BROADBAND AND ELECTRONIC COMMUNICATIONS
a) Proposals for the installation of electronic communications equipment should: <ul style="list-style-type: none">i) Have no significant adverse effect on the external appearance of the building on which, or space in which, they are to be located

- ii) Fully explore the possibility of sharing facilities, such as masts, cabinet boxes and satellite dishes, and erecting antennae on existing buildings or other structures
 - iii) Fully explore technologies to miniaturise and camouflage any electronic communications apparatus
 - iv) Be appropriately designed, coloured and landscaped to take account of their setting;
- b) That all residential, employment and commercial developments are capable of being served by super-fast broadband through the integration of appropriate measures such as open access ducting to industry standards