

BOROUGH PLAN BACKGROUND PAPER - Telecommunications

Nuneaton and Bedworth Borough Council

2015

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1 INTRODUCTION

- 1.1 This technical paper sets out the Council's approach to dealing with telecommunications. The purpose of this paper is to draw together the key datasets and information that have been used in developing the policy. The technical paper provides the detail behind the development of the policy and is used to justify the elements included within the policy. The paper explains the background research that has been undertaken and how it is proposed to adapt this in practice to achieve a policy that is both reasonable and deliverable.
- 1.2 Telecommunications is defined as the infrastructure needed to provide fixed and mobile telephone, broadband and digital services. Fast broadband provision is essential for the local economy and to enable economic growth and flexible working. It is recognised that the provision and expansion of such networks are often key to a thriving and inclusive economy and the attractiveness of areas for investment. In addition, the increasing reliance on telecommunications at both the domestic and commercial level means that new developments will need to be well served and existing development will need to be able to adapt to changing technologies.
- 1.3 Developing a good telecommunications system is an essential part of the future for the Borough, therefore, it is important to give it due consideration through the development of the Borough Plan. However, the scope of influence of the planning system with regard to telecommunications development is somewhat limited. The General Permitted Development Order (1995 and subsequent amendments) enables a significant amount of telecommunications development to take place with only limited local authority control over siting and design. Nevertheless, the Borough Plan, together with the Infrastructure Delivery Plan and Economic Development Strategy, will help to ensure that:
- new residential and commercial development promotes linkages to information and communications technology both now and in the future;
 - broadband speeds and the quality of telecommunications services are enhanced and improved,
 - the visual impacts of telecommunication masts are limited, promoting use of existing structures/ buildings and innovative design, and applying conditions requiring the removal of equipment when no longer required

2 NATIONAL PLANNING POLICY FRAMEWORK

- 2.1 The NPPF places emphasis on the need for advanced high quality communications as this is essential for economic growth. The Council is required to support the expansion of the electronic communications network and the government expects local authorities not to place a blanket ban on new telecommunications equipment in certain areas. The NPPF sets out a number of requirements for Local Plan making. This background papers identifies how these have been met. Table 1 identifies where the NPPF requirements are considered and met through the policy.

NPPF Requirement	NPPF sub-requirement	Relationship with policy
<p>Core planning principle:</p> <p>“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities”</p>		<p>This is predominantly achieved through the Scale and location of growth policy and Infrastructure Delivery Plan. However, this policy aims to assist in facilitating economic growth by linking the Plan to the Council’s emerging Economic Development Strategy. This strategy will identify specific sectors that the Council wishes to see growth within. In addition, the policy takes account of the fact some sites are no longer fit for purpose and as such removes these from the portfolio, while protecting other sites.</p>
<p>Core planning principle:</p> <p>“always seek to secure high quality design and a good standard of amenity</p>		<p>The policy provides criteria to be met when new proposals are put forward. A key part of this will be ensuring</p>

NPPF Requirement	NPPF sub-requirement	Relationship with policy
for all existing and future occupants of land and buildings”		applicants provide a satisfactory scheme to return the sites to its former of improved conditions once operations cease.
<p>Paragraph 42:</p> <p>Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.</p>		The policy aims to minimise the environmental impacts whilst facilitating the appropriate expansion of the Borough’s telecommunication needs.
<p>Paragraph 43:</p> <p>“In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and</p>		The authority is keen to facilitate appropriate expansion whilst at the same time minimising any environmental impacts. To help achieve this the policy supports mast sharing and the siting of any equipment on existing tall structures and buildings.

NPPF Requirement	NPPF sub-requirement	Relationship with policy
camouflaged where appropriate.”		
<p>Paragraph 44:</p> <p>Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development. They should ensure that:</p>	<p>they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and</p>	<p>This is anticipated to be delivered through the planning application stage.</p>
	<p>they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.</p>	<p>This is anticipated to be delivered through the planning application stage.</p>
<p>Paragraph 156:</p> <p>Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:</p>	<p>the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);</p>	<p>This is anticipated to be delivered through the planning application stage.</p>
<p>Paragraph 162:</p> <p>Local planning authorities should work with other authorities and providers to:</p>	<p>assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change</p>	<p>This is predominantly achieved through the Infrastructure Delivery Plan and the meetings of the Infrastructure Planning and Delivery Group.</p>

NPPF Requirement	NPPF sub-requirement	Relationship with policy
	management, and its ability to meet forecast demands; and	
	take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.	This is achieved through the Infrastructure Delivery Plan

Table 1: NPPF Conformity

3 PLANNING PRACTICE GUIDANCE

- 3.1 The Planning Practice Guidance sets out a number of points that are pertinent to the delivery of infrastructure more generally, rather than any specific guidance for telecommunications in terms of local plan preparation.
- 3.2 The PPG reaffirms the statements in the NPPF by stating that, “Planning for infrastructure is a critical element of strategic planning. The National Planning Policy Framework (paragraph 162) makes clear that local planning authorities should work with other local planning authorities and providers to assess the quality and capacity of a range of infrastructure types. This will ensure that key infrastructure such as transport, telecommunications, energy, water, health, social care and education, is properly planned.”
- 3.3 The PPG emphasises how infrastructure planning is an important element of the soundness test, “Planning for infrastructure is a key requirement of the effectiveness element of the test of Local Plan soundness, which requires plans to be deliverable and based on effective joint working on cross boundary strategic priorities. The involvement of infrastructure providers in Local Plan preparation is critical to ensure that Local Plans are deliverable. Participation in the Local Plan preparation process in turn helps them to inform their business plans and to plan and finance the delivery of

infrastructure that they have a legal obligation to provide. It is expected that private utility companies and providers will engage positively in the preparation and delivery of Local Plans.”

3.4 The PPG also reaffirms the need to discuss infrastructure issues with a range of stakeholders, “The duty to cooperate seeks to ensure that local planning authorities lead strategic planning effectively through their Local Plans, addressing social, environmental and economic issues that can only be addressed effectively by working with other local planning authorities beyond their own administrative boundaries. For example, housing market and travel to work areas, river catchments and ecological networks may represent a more effective basis on which to plan for housing, transport, infrastructure, flood risk management, climate change mitigation and adaptation, and biodiversity. The aim is to encourage positive, continuous partnership working on issues that go beyond a single local planning authority’s area.”

3.5 In terms of other related parts of the PPG these mainly relate to whether development should be given planning permission. For example, the ‘Design’ section of the guidance, cites that planning permission should not be refused for infrastructure that promotes high levels of sustainability because of concern about incompatibility with an existing townscape, especially when it is mitigated by good design. Other areas which relate to telecommunications are set out as follows:

- “Part 24 of Schedule 2 to the General Permitted Development Order specifies what permitted development rights there are for fixed and mobile telecommunications. This part also sets out what exceptions, limitations, and conditions apply to these permitted development rights.
- To ensure the siting and design of fixed and mobile electronic telecommunications equipment is acceptable, sector led codes of best practice have been published.
- The code of best practice for fixed electronic telecommunications equipment, published on 7 June 2013, (Cabinet Siting and Pole Siting Code of Practice, Issue 1 – 2013, Fixed Line Code Operators) has been prepared by operators, agents, contractors, planning and highway authorities and other relevant organisations.
- The code of best practice for mobile electronic telecommunications equipment, published on 24 July 2013 (Mobile Operators Association, Code of Best Practice on Mobile Network Development in England, 2013), has been prepared by operators, agents, planning, national parks, English Heritage and other interested parties.
- In addition to the permitted development rights for both fixed and mobile electronic telecommunications, operators are required by Regulation 5 of the Electronic Communications Code (Conditions

and Restrictions) Regulations 2003 to notify local planning authorities of their intention to install equipment.”

4 CONTEXT FOR THE BOROUGH

Mobile phone coverage

4.1 There are currently four mobile telephone networks that provide comprehensive 3G network coverage for the borough. Not all networks are providing 4G coverage for this area at the present time. However, all companies have indicated their desire to provide widespread 4G coverage beyond the major cities within the country.

Broadband Development Analysis

4.2 Grey Sky's Warwickshire Broadband Development Analysis provides a comparison of the position of the districts with regard to basic broadband and superfast broadband – both currently available and likely to be delivered through commercial rollout. 8.3 Nuneaton and Bedworth has very good availability of basic broadband and superfast broadband. There are a small number of properties with problems accessing broadband, but essentially 'the market can be reasonably expected to deliver very close to the government targets of 100% basic connectivity and 90% superfast connectivity without public sector intervention. Grey Sky's analysis concludes that the broadband market in Nuneaton and Bedworth can be reasonably expected to deliver very close to the government targets of 100% basic connectivity and 90% superfast connectivity without public sector intervention.

4.3 The Government set a target to have the best broadband in Europe by 2015. Broadband Delivery UK (BDUK) is tasked with delivering this, and has set two specific objectives:

- 100% coverage at a minimum of 2 Mbps (basic broadband);
- 90% coverage at a minimum of 30 Mbps (superfast broadband).

4.4 Coventry, Solihull and Warwickshire have been allocated £4.07 million by BDUK towards the delivery of the two broadband targets. This assumes that 119,757 properties are not able to access superfast broadband at 30 Mbps or faster.

4.5 Analysis has identified that 165,755 properties in Warwickshire cannot access superfast broadband. Therefore it is assumed that all, or the significant majority of BDUK funding will be invested in Warwickshire.

- 4.6 The allocation of funding within Warwickshire (i.e. between districts) may be helpful if match funding is required from the local councils. Alternatively, it may be more effective for the districts to state their individual strategic objectives as part of an overall procurement exercise, with additional funding secured against the whole bid. This will be effective if there is a joint European Regional Development Fund (ERDF) (or similar) funding application to support the overall procurement for Warwickshire.
- 4.7 Individually stated strategic objectives should be seen as a minimum requirement, particularly for the superfast broadband element – ensuring that 90% availability in each Local Authority area, is significantly more challenging than 90% overall for the whole Coventry, Solihull and Warwickshire area. If allocations by Local Authority area are required, then this analysis suggests the following possible scenarios:

Allocations to achieve 100% > 2 Mbps

District	Warwick	Nuneaton	Rugby	Stratford	N. Warks
Known speeds	11%	3%	25%	38%	23%
Modelled	10%	1%	24%	40%	24%

Allocations to achieve 90% > 30 Mbps

District	Warwick	Nuneaton	Rugby	Stratford	N. Warks
Known speeds	17%	17%	22%	30%	15%
Modelled	1%	4%	24%	45%	25%

Table 2: Allocations to achieve 2Mbps and 30Mbps

- 4.8 Allocations to achieve the 2mbps targets are relatively well understood. However, the current known data and modelling of existing Fibre-to-the cabinet (FTTC) capabilities present a significant gap. Achieving FTTC availability requires investment in the exchange enablement and in upgrading the access network.

CSW Broadband Project

- 4.9 The CSW Broadband project¹ will bring improved broadband speeds across Coventry, Solihull and Warwickshire – particularly in the rural areas. Funded by Central Government and Local Authority money the targets are to achieve

¹ <http://www.cswbroadband.org.uk>

90% coverage at superfast speeds (**minimum 24Mbps**) and 100% coverage at what is known as the Universal Service Commitment, meaning a minimum of 2Mbps.

4.10 This is achieved through the provision of a wholesale network, that will cover those areas that will not be reached through commercial broadband roll-out plans. The aim of providing a high quality wholesale network is that it will not only increase superfast broadband coverage, but will also enable a wide range of providers to offer services, thus increasing competition and driving down prices for subscribers.

4.11 The CSW Broadband Project Aims are as follows:

- 100% coverage at the Universal Service Commitment (a minimum of 2Mbps, which could in practice be up to 23 Mbps)
- Superfast Broadband for 90% of premises (we should achieve at least 91%)
- Benefit the maximum number of citizens
- Remove the barrier of connectivity for businesses to do business in the sub-region
- Ensure a network deployment that contributes the most to the underlying fibre infrastructure across the area
- A mechanism that ensures that project outcomes reflect the relative funding contributions of the Local Authorities so that local outcomes reflect the amounts contributed
- Areas that have a concentration of business subscribers should be able to connect to a minimum line speed of 100 Mbps

4.12 The rollout of fibre broadband across Warwickshire and Solihull is really gathering pace now. At the beginning of March 136 cabinets were live and over 28,000 properties able to connect to the network. In terms of local context Table 3: Live Cabinets – Fibre Broadband Available in Nuneaton and Bedworth and Table 4: Rollout from October 2014 with delays provide the local information.

Exchange Area	Cabinet Number	Premises Able to Connect to Fibre	Communities Affected	Total Premises in Exchange to Connect to Fibre
Chapel End	14 (Exchange Only)	366	Chapel End	827
Chapel End	16	95	Galley Common	827
Chapel End	18 (Exchange)	366		827

	Only)			
Exhall	20	106	Bayton Road, Exhall	259
Exhall	21	73	Bayton Road, Exhall	259
Exhall	25	80	Bayton Road, Exhall	259
Nuneaton	45	109	Nuneaton	365
Nuneaton	52	86	Nuneaton	365
Nuneaton	89	101	Nuneaton	365

Table 3: Live Cabinets – Fibre Broadband Available in Nuneaton and Bedworth
Source: CSW Broadband Project

Exchange Name	Cabinet Number	Location	Reason for Delay
Keresley	14	Bennetts Road Cnr Exhall Road	Wayleave issue – now resolved
Keresley	22	Unit 3 Prologis Park Central Boulevard jnc West Avenue	Wayleave issue – now resolved

Table 4: Rollout from October 2014 with delays
Source: CSW Broadband Project

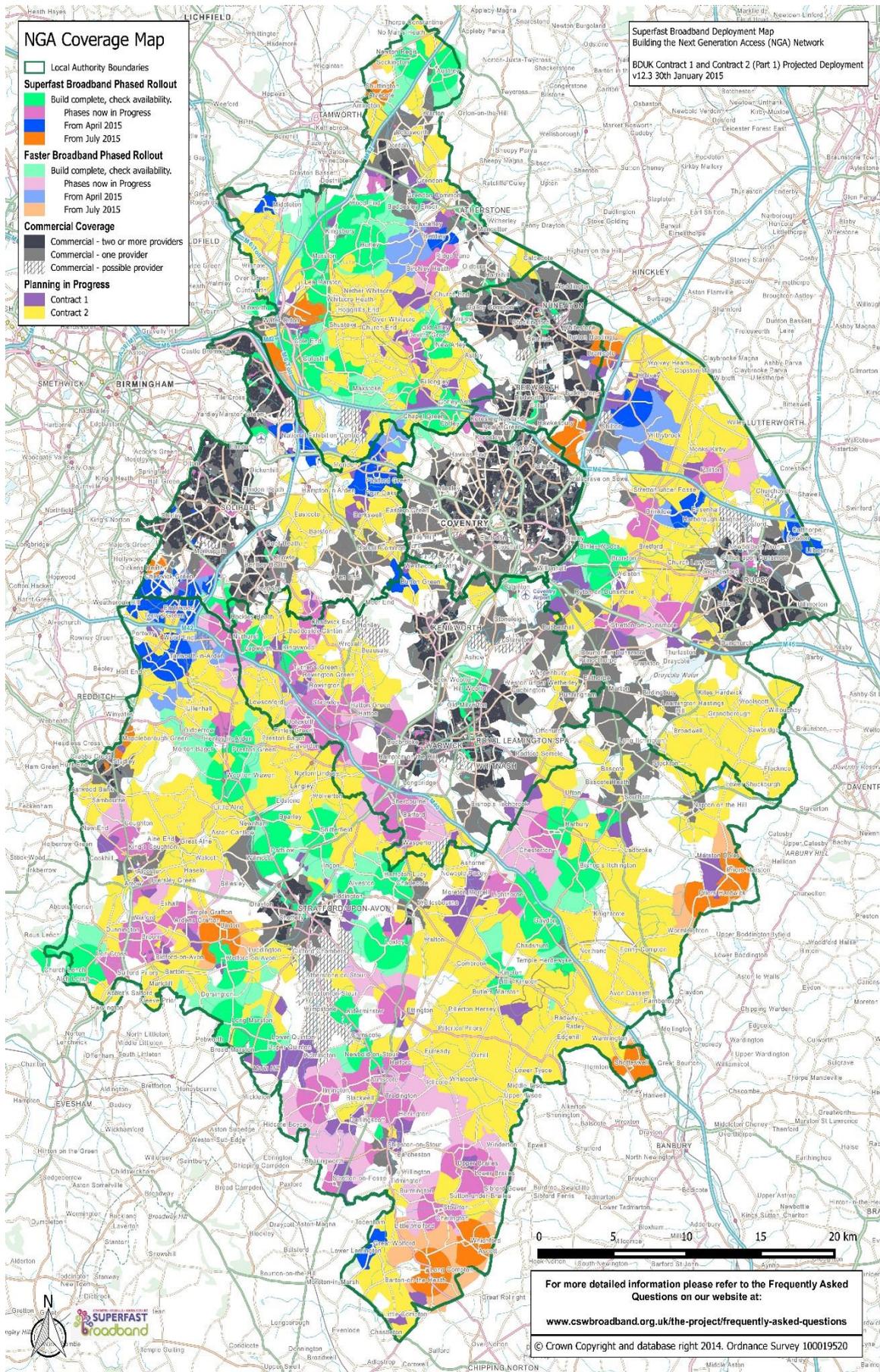


Figure 1: Next Generation Access Network Coverage Map
 Source: CSW Broadband Project

5 ISSUES AND OPTIONS

- 6.1 The issues and options paper did not directly make any connections to issues with telecommunications. However, a number of the issues are indirectly linked in terms of improving infrastructure provision in order to improve the overall economy and quality of life within the Borough.

Economy

Issue ECON1

Household earnings are the lowest in Warwickshire and there are a considerable number of people of working age claiming benefits. This contributes significantly to poverty and deprivation.

Issue ECON2

Unemployment in Nuneaton and Bedworth is high (4.2% in February 2009, compared to the national average of 3.85%) and has risen faster than elsewhere in Warwickshire. This demonstrates the vulnerability of the Borough's economy.

Issue ECON3

A large number of residents commute out of the Borough to work each day to Coventry, Leicestershire and elsewhere in Warwickshire such as Rugby and Warwick. To reverse this trend there is a need to retain existing employers and attract new employers by providing the right development opportunities in the right locations.

Issue ECON4

Nuneaton and Bedworth's economy is based on a declining manufacturing base as well as distribution related work. There are fewer knowledge based employment opportunities. If this doesn't change there will be fewer jobs in the future and more people will have to look for work outside the Borough.

6 PREFERRED OPTIONS

- 6.1 The preferred options did not have a telecommunications policy but did have Policy INF3 – delivering infrastructure and utilities: Communications section within the Infrastructure Delivery Plan. Policy INF3 received the following comment from the Mobile Operators Association.

“There should be inclusion of a telecommunications policy within the Plan linked to the NPPF paragraphs 42 and 23 which highlight the importance surrounding telecommunication development. It is suggested the policy wording should be:

“Proposals for telecommunications development will be permitted provided that the following criteria are met: -

(i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;

(ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;

(iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.

(iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest. When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.”

It is also suggested the following be included within the Plan:

‘Mobile communications are now considered an integral part of the success of most business operations and individual lifestyles. With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. The authority is keen to facilitate this expansion whilst at the same time minimising any environmental impacts. It is our policy to reduce the proliferation of new masts by encouraging mast sharing and siting equipment on existing tall structures and buildings.’”

- 6.2 The Council reviewed and assessed the representation submitted on behalf of the Mobile Operators Association and decided that the comments made were valid and should be taken into consideration in the development of the policy. As the policy developed the Council deemed it necessary to have a standalone policy to cover any telecommunications issues. Policy XXX is now the telecommunications policy to be delivered through the Borough Plan.

7 SUSTAINABILITY APPRAISAL

- 7.1 The policy has been assessed against the SA objectives. The Policy seeks to ensure that new telecommunication infrastructure is sited and design to minimise the visual impact of the structure and takes account of the landscape character and protected areas.
- 7.2 The Policy will have no direct effects on the sustainability objectives but indirect positive effect on economic factors, biodiversity, sense of place, cultural heritage and landscape. The Policy will have no direct relationship on a number of environmental, economic and social factors.

8 DELIVERY MECHANISMS

- 8.1 The following delivery mechanisms are relevant for this policy
- Annual monitoring of planning applications for development relating to telecommunications
 - Delivery of the Infrastructure Delivery Plan
 - Delivery of the Economic Development Strategy for the Borough