

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING MANAGER

TO: POLICY AND RESOURCES COMMITTEE

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ROLL OUT OF BROADBAND – REQUEST BY INTERNEXUS (IT WIRELESS)

PURPOSE OF REPORT

To inform Committee of the approach made to Pendle about acquiring/leasing sites and of the implications for that.

RECOMMENDATIONS

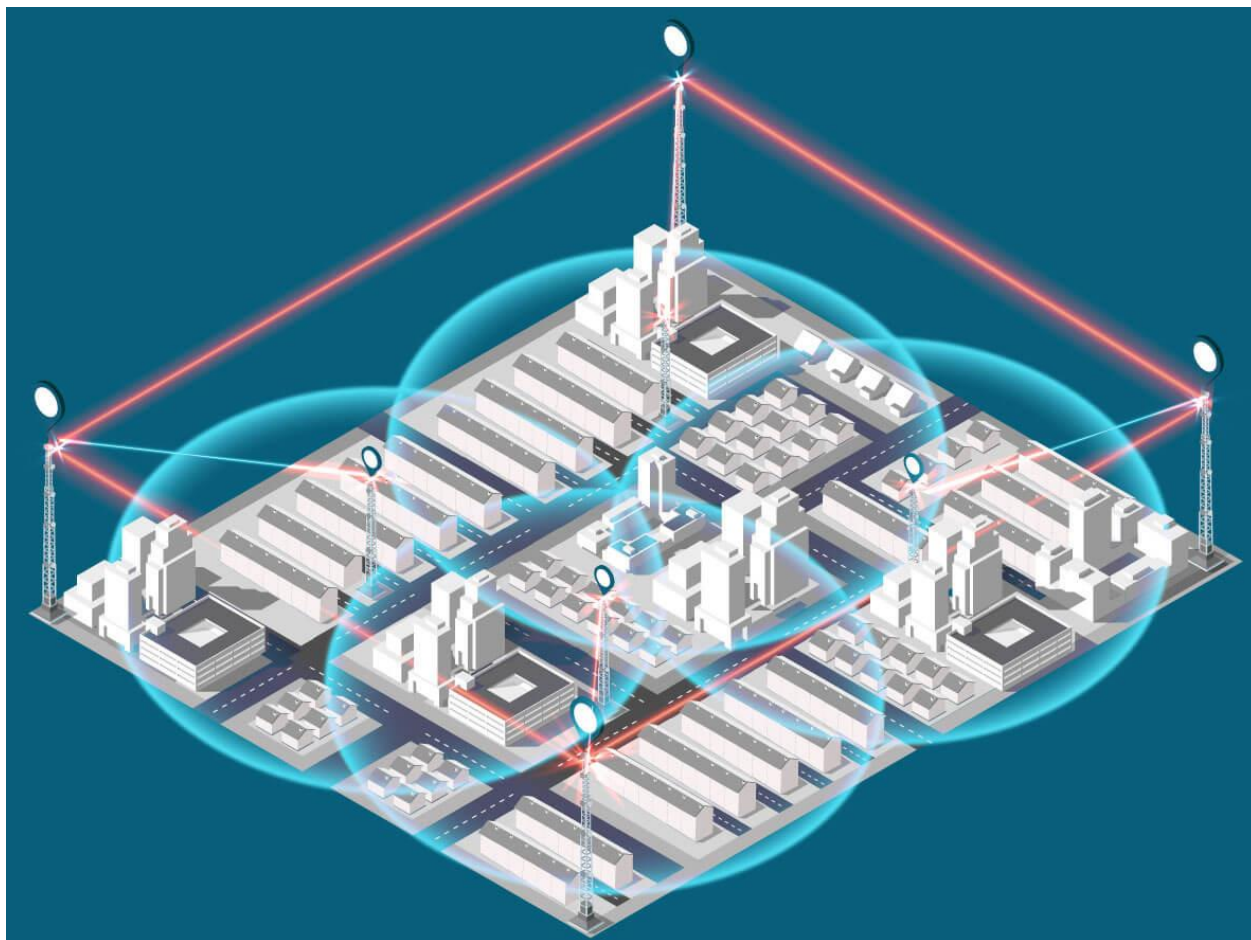
- (1) That Committee note the implications and acknowledge that this is a process we have to engage in.
- (2) That a further report be brought back on the options being put forward when the developer has better refined the proposals.

REASON FOR RECOMMENDATIONS

In order to inform Committee of the request and to agree a way forward to consider the proposals

ISSUE

- 1 We have been approached by a telecommunications provider to seek to acquire or lease parcels of Council owned land.
- 2 The company are the trading name of IX Wireless a broadband provider and Code Operator. They provide broadband connections but they use fixed wireless processes. In effect they require above ground apparatus to transmit the radio waves that their network bases itself on. The attached diagram is taken from their webpage and explains diagrammatically how their network functions.



- 3 To facilitate the radio waves used in the network a series of masts are needed. The provider is seeking to use Council owned land to help develop that network.
- 4 The provision of telecommunications infrastructure has been governed by a series of legislation. An electronics Communication Code was introduced in 1984, updated in 2003 and was extended in a revision in 2017. The Digital Economy Act 2017 came into force in 2017. That contained this new Electronics Communications Code.
- 5 The Code allows Operators to compel landowners to grant agreements to allow use of their land. That is a power that can be enforced through the Courts if a landowner is not agreeable to leasing or selling their land. In looking at whether or not to grant a lease the Court now have to consider the public interest in doing so which is likely to lead to more sites coming forward using this compulsory mechanism. Effectively the provisions enabling Code Operators to force landowners to lease their land means that landowners have no option but to engage in looking at the potential roll out of sites.
- 6 The new Code alters how the market value of sites is calculated. It no longer allows any value to be added attributable to the benefit the developer gets from the site. The value is based on the existing use of the land.
- 7 We have been asked to enter into a lease arrangement with the developer on 50 sites. We have initially responded by indicating that this is a matter for decision by elected Councillors and also that their approach is not satisfactory as they need to refine their proposed options by carrying out proper site appraisals and better defining their network requirements. Once a firmer proposal is in place we would be in a position to bring the requests to Committee for decision to be made.

IMPLICATIONS

Policy:	None
Financial:	There would be some small revenue benefits were sites to come forward but there would be unknown legal costs were Pendle not to engage with the developer and compulsory processes were used.
Legal:	None
Risk Management:	None resulting from this report.
Health and Safety:	None
Sustainability:	None
Community Safety:	None
Equality and Diversity:	None