

REPORT FROM: DIRECTOR OF RESOURCES

TO: EXECUTIVE

DATE: 28th November 2024

**PROPOSAL TO ERECT A TELECOMMUNICATIONS TOWER AND ASSOCIATED
BASE STATION EQUIPMENT
RAINHALL ROAD CAR PARK, BARNOLDSWICK**

PURPOSE OF REPORT

To inform Members of this Committee of a request for a lease of land at the above for the installation of a new telecommunications tower and base station.

RECOMMENDATIONS

- (1) That the Executive considers granting a lease for the installation of a new telecommunications tower and associated base station equipment at the above location, subject to the receipt of planning consent.
- (2) That if acceptable the Executive delegates authority to the Director of Resources to agree terms and conditions for a lease and the consideration payable for such rights being granted.
- (3) That the Executive notes the resolution made at the recent West Craven Committee with regards to this site (see note 11 and 12 below).

REASONS FOR RECOMMENDATIONS

- (1) To inform Executive Members of the proposal.
- (2) To provide continued mobile communication services within this locale. To ensure that the Council retains some control over the site and to secure a fair and reasonable level of consideration.
- (3) To inform the Executive of the area Committee's preference.

ISSUE

1. EE and MBNL currently operate telecommunications equipment located at Barnoldswick Fire Station, serving residents and businesses within Barnoldswick Town Centre who subscribe to its mobile telecommunications service.
2. The equipment has to be removed to enable major repair works to be carried out, which will affect service provision, if a new site is not found.
3. The agent acting for the aforementioned Operators has identified a suitable site to the rear of the car park on Rainhall Road, for a new mast and base station equipment (see appendices for plan showing location and elevational drawing showing the equipment from ground level compared with adjacent buildings).

4. The agent has suggested a term of 20 years with the payment of an annual rent and a one-off disturbance payment. There is however also the option to agree a shorter lease term of 10 years if required.
5. The installation will affect two of the available parking spaces with access being required across the car park for maintenance works. This would not impact negatively on the parking provision from the site in general, however any future development on the land would have to account for the access requirements.
6. The agent has also offered the option of agreeing a break clause after 5 years, on the giving of a minimum 18 month's notice if the Council wished to redevelop the site in the future, providing there is an opportunity to relocate the mast and equipment to another part of site for the remainder of the term.
7. Members may be aware that a new Electronics Communications Code was introduced within Schedule 1 of the Digital Economy Act 2017 and is now in force, having been incorporated as Section 3a of the Communications Act 2003 (the "New Code").
8. The New Code was introduced to regulate and reduce the rents Operators pay to Landowners to install equipment to be more in line with utilities providers, such as gas and water, make it easier for Operators to upgrade and share their equipment with other Operators to help increase coverage; and make it easier for Operators and Landowners to resolve legal disputes.
9. The Code also provides for Operators to acquire land, in a similar way that local authorities may use Compulsory Purchase Powers. It is therefore possible that if the Council refuses to agree terms with the Operators, that they may consider using these powers. Agreeing a lease by way of private treaty would allow the Council to agree a rental at a potentially higher level, than if the Operator had to use available Powers to acquire an interest in the land.
10. The lease would only be granted if planning consent is obtained for the mast and equipment. An application has been submitted to the Council's Development Control Section.
11. Members at the West Craven Committee discussed the proposal at its meeting held 5th November, 2024 and resolved that the Executive be informed that West Craven Committee would prefer for the telecommunications tower and associated base station equipment to be sited within the grounds of the former police/ambulance station opposite the Rainhall Centre. It must be noted that this land is not owned by the Council.
12. Members also resolved that the Assistant Director of Planning, Building Control and Regulatory Services report back on the planning regulations and process for telecommunications equipment.

IMPLICATIONS

Policy: No policy implications are considered to arise directly from this report.

Financial: The grant of a lease would generate the receipt of an annual rental and one-off disturbance payment.

Legal: No legal implications are considered to arise directly from this report.

Risk Management: No risk management implications are considered to arise directly from this report.

Health and Safety: No implications are considered to arise directly from this report. Government advice is that equipment of this nature should not pose a risk to health.

Sustainability: No implications are considered to arise directly from this report.

Community Safety: No implications are considered to arise directly from this report.

Equality and Diversity: No implications are considered to arise directly from this report.

APPENDICES

1. Location plan and elevational drawing provided by TELENT.

LIST OF BACKGROUND PAPERS None