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## **BROADBAND AND THE PLANNING SYSTEM**

Report by Head of Communities and Economy

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### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to update the Committee on the delivery of high speed fibre broadband with regard new developments.

### **2.0 BACKGROUND**

- 2.1 At its meeting of 17 November 2015 the Committee requested clarification with regard securing the delivery of appropriate high speed fibre broadband infrastructure.
- 2.2 At its meeting of 21 April 2015 the Committee expressed its desire to see the delivery of high speed fibre broadband as an integral part of the development process, in particular with regard the delivery of new housing. The Committee's view is a material consideration in the assessment of subsequent planning applications and as such the Planning team have been positively negotiating with house builders to ensure proposed house types are high speed fibre broadband compatible and that developers liaise with digital providers at an early stage to secure the provision of digital infrastructure.

### **3.0 PLANNING POSITION**

- 3.1 Telecommunications and, in particular, digital communication and connectivity is an increasingly important component of e-commerce and social networking. The availability of digital infrastructure to business and domestic customers is central to the expansion and development of online, wireless and mobile services and technologies. The Council supports the roll-out of high speed broadband across Midlothian and acknowledges the importance of this technology to promote e-commerce and e-communication and the contribution it can make to Midlothian's sustainable development objectives.
- 3.2 78% of Midlothian is covered by high speed broadband connections and 98% will be covered by 2017 (BT Openreach programme 2014). The equipment and structures required to support digital technologies should be designed as an integral part of new development wherever possible and any adverse impacts mitigated by siting and design solutions

3.3 The Proposed Midlothian Local Development Plan (MLDP) advises that as digital infrastructure improves, further development opportunities may arise and result in demand for land and property to accommodate the development of data hubs, dark stores and digital innovation centres. The Plan supports the development of such facilities on sites allocated for economic development where they are an employment generator and/ or where the development may serve to attract further business investment. The design of new development and redevelopment proposals should incorporate digital technology provision and connections and use digital technology to enhance the energy efficiency of buildings.

3.4 The MLDP includes a policy (IT1) which seeks to secure appropriate digital infrastructure. Policy IT1 is as follows:

*Proposals for telecommunications developments will be supported where they are sited and designed to minimise environmental impact, taking into account:*

- A. technical and operational considerations;*
- B. the possibility of sharing existing telecommunication facilities, provided that this does not increase any adverse visual impact;*
- C. the possibility of erecting ground-based masts or installing on an existing building or other structure;*
- D. using slimline or the smallest suitable equipment, commensurate with technological requirements;*
- E. the availability of alternative sites;*
- F. concealing or disguising masts, antennas, equipment housings, etc., where appropriate; and*
- F. any other relevant policies.*

*New homes and business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connections and other digital technologies that could optimise the energy efficiency and contribute to reducing the carbon footprint of the building.*

3.5 At its meeting of 16 December 2014 the Council approved the content of the proposed MLDP. The MLDP: Proposed Plan was published in May 2015 with the period to make representations expiring 26 June 2015. In response to the publishing of the proposed plan, 834 representations have been received comprising 2,628 separate comments for consideration. However, no objections to Policy IT1 were received. General comment was made in two representations with regard the need to improve digital infrastructure.

#### **4.0 CONDITIONS ON A GRANT OF PLANNING PERMISSION**

4.1 Negotiations and/or conditions are used to ensure the effective delivery of digital infrastructure through the planning application process.

- 4.2 The following condition is used on a grant of planning permission in principle (PPP) were appropriate:

Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse or commercial unit. The delivery of high speed fibre broadband shall be implemented as per the approved details.

***Reason:*** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

- 4.3 The following condition is used on a grant of detailed planning permission (DPP) were appropriate:

Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse or commercial unit. The delivery of high speed fibre broadband shall be implemented as per the approved details.

***Reason:*** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

## **5.0 RECOMMENDATION**

- 5.1 The Committee is recommended to:
- a) note the update; and
  - b) note the template planning conditions.

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**Background Papers:** Council Report entitled 'Midlothian Local Development Plan: Proposed Plan' 16 December 2014.