

North York Moors National Park Authority

15 December 2014

Broadband and Mobile Phone Delivery: Proposal to Temporarily Amend Scheme of Delegation in Relation to Planning Determination

1. Purpose of the Report

- 1.1 To seek Member's agreement to a temporary change to the Authority's adopted scheme of delegation in relation to the determination of planning applications for two specific IT infrastructure projects in the National Park, in order to help speed up the delivery of Broadband and mobile phone networks.

2. Background

- 2.1 As Members will be aware the Government is seeking to extend both mobile phone and broadband delivery to all parts of the UK and has invested public funds into offsetting the higher costs of delivery to the remoter rural parts of the country. The Mobile Phone Infrastructure Project is seeking to extend mobile coverage to the existing 'Not Spots', consisting of around 60,000 premises across the UK by March 2016, with a project budget of £150m. Similarly, the Government has announced an additional £250m for superfast broadband in some of the UK's hardest to reach rural areas, in an effort to reduce and eventually eliminate the so-called 'digital divide'. This is vitally important for the economic and social development of the rural economy and the North York Moors National Park Authority has been supportive and proactive in helping to deliver this important service to its communities, using its planning, liaison and lobbying roles.

3. Airwave Broadband Pilot Project – Esk Valley

- 3.1 Officers have recently been approached by Galloway Estates Ltd who are the planning consultants appointed by Broadband Delivery UK (BDUK) to implement a pilot Airwave project which will deliver superfast broadband to the communities in Egton, Egton Bridge and Glaisdale. Detailed survey work has been undertaken in the Esk Valley to identify the most ideal sites for monopole radio masts which will be necessary to support the line of sight dish links to provide the coverage locally. SuperfastNorthYorkshire (SFNY) will be involved in facilitating local engagement work in the Esk Valley and are working towards first customers being on-line in March/April 2015.
- 3.2 The project will involve the need for planning permission for four slim monopole masts approx. 15m high. Three sites are currently under consideration, two in Egton, and one at the head of Glaisdale with a fourth site still to be identified in Egton Bridge. It is envisaged that the applications will be submitted together in early December, following ongoing pre-application negotiations with officers and Galloway Estates.

3.3 Under delegated powers, a decision on these applications could be made in late January/February, giving enough time for the physical installation of the infrastructure and connection by the project end date. However, if referred to Committee, this could extend the determination to March or beyond which could impact on the timescale and reduce the length of time the pilot project could run or even result in it taking place elsewhere.

3.4 In order to help speed up the delivery of this project, which is important for demonstrating the potential for a permanent solution, which could then be rolled out nationally, officers suggest that the Authority agrees full delegation to the Chief Executive (and thereby the Director of Planning) to make determinations on the planning applications for the Airwave Broadband project outside the adopted scheme of delegation.

4. Mobile Phone Infrastructure Project (MIP)

4.1 Although it has been subject to delay, the MIP has now progressed to the stage where the contractors have again approached the Authority for pre-application advice and it is likely that there will be a need for 12 mobile phone masts in the National Park to ensure mobile phone 4G coverage is available to the communities in the Not Spots which exist in the North York Moors. Again, there is a time sensitive programme for the delivery of this project and it would be beneficial to be able to deal with the planning applications for the infrastructure in a timely and efficient manner. The Authority's current scheme of delegation can result in some delay due to the need for referral to Committee if a single objection is received to a proposal. Clearly, there needs to be a balance between speed and democratic consideration and this will be the subject of greater scrutiny in due course. However, in relation to these projects it would be beneficial to demonstrate that the Authority's planning role is not the source of unnecessary delay. It is therefore suggested that full delegation to deal with applications arising from the MIP project is also passed to the Chief Executive.

5. Proposed Process

5.1 The implications of this are that should any of the applications (Broad band or mobile phone) attract objections on planning grounds the applications will still remain delegated and be determined by the Director of Planning. However, it is suggested that criterion 3 of the existing scheme should be adhered to which only allows delegation provided there are no material circumstances which in the opinion of the Chief Executive/Director of Planning and in the best interests of the National Park, warrant referral to Committee. Such material considerations could be for example, a significant level of objections, or conflict with adopted planning policy.

6. Financial and Staffing Implications

6.1 Work and resources required to deal with these developments fall within existing planning budgets

7. Contribution to National Park Management Plan

7.1 The implementation of the MIP and Broadband pilot projects, in line with the Authority's planning policies, will enable a number of the policies in the Management Plan to be delivered relating to the social and economic well-being of the National Park's communities.

8. **Legal Implications**

- 8.1 The Authority's Scheme of Delegation is made under Section 101 of the Local Government Act 1972 which allows for the Authority to review or amend the adopted provisions of the Scheme.

9. **Recommendation**

- 9.1 That Members agree to delegate to the Director of Planning via the Chief Executive decisions on planning applications relating to the Airwave Broadband pilot project in the Esk Valley and the Mobile Phone Infrastructure Project in the National Park, provided that there are no material circumstances arising from the proposals that would warrant referral to the Committee.

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Background papers to this Report

File ref

- 1) North York Moors National Park Authority Scheme of Delegation