



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN
2017-2033**

PHASE 4 HEARINGS

MATTER 11: Communications Infrastructure

CITY OF YORK COUNCIL STATEMENT

Matter 11 – Communications Infrastructure

11.1 Can Policy C1 be said to accord with national policy?

11.1.1 Yes. Policy C1 (Communications Infrastructure) recognises and supports the fact that high quality communications infrastructure that supports the development of York's world-class ultrafast connectivity (both fixed and wireless) and the high speed connectivity for the City's transport network are vital for the City and its growing economy and infrastructure. The policy requires mobile infrastructure to use existing masts / share facilities where technically feasible, unless it can be clearly demonstrated that this is not possible. The policy recognises that communications infrastructure can have an adverse impact on sensitive areas, such as Green Belts, strays, green wedges, nature conservation sites, conservation areas, listed buildings, heritage assets and areas of high amenity value.

11.1.2 The criteria set out in policy C1 reflects section 5 in NPPF 2012 (Supporting high quality communications infrastructure). The NPPF 2012 recognises the importance of advanced, high quality communications infrastructure for sustainable economic growth. The NPPF states that in preparing local plans, local planning authorities should support the expansion of electronic telecommunications networks, including telecommunications and high speed broadband, as reflected in policy C1. The NPPF also states that policies should aim to keep the number of telecommunications masts and installations to a minimum, consistent with the efficient operation of the network, including using existing structures where possible, which is also reflected in policy C1.

11.1.3 Modifications proposed in Appendix 1 delete the second part of the proposed policy relating to the provision of Next Generation Access (NGA) broadband connection to new developments. Building Regulations Approved Document R cover the provision of broadband infrastructure to new buildings, and it is not considered necessary to repeat building regulations.

11.1.4 Proposed modifications as shown in Appendix 1 remove explanatory text which relates to Government initiatives and programmes. Developments in the technology to deliver telecommunications and broadband infrastructure are rapid and the explanatory text, as amended, provides general support rather than detailing specific initiatives and regulations as these become quickly obsolete.

11.1.5 The Sustainability Appraisal [CD008, paragraph 6.6.67] considers that policy C1 provides the criteria against which communications infrastructure proposed within York will be supported. The delivery of high quality communications infrastructure is considered to be essential to supporting all facets of modern life, personal and commercial communications.

11.1.6 No significant negative effects were identified during the appraisal of the Communications policy.

11.1.7 The policy is positively prepared, justified, effective and consistent with national policy in line with NPPF 2012. It seeks to objectively meet the development and infrastructure needs and is demonstrably sustainable as evidenced by the sustainability appraisal. The policy is justified as it is considered an appropriate strategy, and is also considered to be effective and deliverable over the plan period.

Appendix 1 – Proposed Modifications

Policy C1: Communications Infrastructure

Communications infrastructure - general

Proposals for high quality communications infrastructure that supports the development of York's world-class ultrafast connectivity - both fixed and wireless, and high speed connectivity for the City's transport network will be approved wherever possible, unless adverse impacts on the special character of York significantly outweigh the benefits. Proposals will be supported where:

- i. mobile communications infrastructure is located at an existing mast or transmission site, where it is technically and operationally feasible, unless it is particularly visually intrusive and is **un**available for use as a shared facility - where new equipment is proposed which cannot be located on an existing mast or site at its preferred location due to technical and operational constraints, operators will be required to provide evidence that they have explored the possibility of utilising alternative existing sites, in preference to the proposed location;
- ii. the development is of an appropriate scale and design and it is sited and designed to not have any adverse impact on residential amenity of people and properties and minimise its impact on visual amenity;
- iii. it will be available for use as a shared facility where possible;
- iv. there are no significant or demonstrable adverse impacts that outweigh the benefits of the scheme, particularly in areas of sensitivity including the Green Belt, strays, green wedges, sites of nature conservation value, conservation areas, listed buildings and their setting, areas containing or in proximity to a heritage asset (including non-designated heritage assets), and areas of high visual amenity including protecting key views.

~~The Council will seek the removal and relocation of any visually intrusive masts particularly in the city centre, as and when the opportunity arises. A planning condition will be used to implement the removal of redundant masts or other communications equipment, where appropriate.~~

~~Communications Infrastructure in new developments~~

~~All new development will be required to enable a Next Generation Access (NGA) broadband connection (i.e. to communications infrastructure that provides a broadband in excess of a minimum of 24Mbps (30Mbps and, where feasible, for contracts signed from 2017 onwards)) unless the developer can clearly demonstrate that meeting this requirement is not viable. Where it can be demonstrated that the provision of a NGA broadband connection is not viable, proposals should provide a minimum download connection of 10Mbps and incorporate suitable infrastructure to support delivery of NGA broadband at a future date.~~

~~Developers of strategic sites (or other major schemes) should engage with communication providers and local broadband groups to explore how NGA~~

~~broadband can be provided and how the development may contribute to and integrate with active broadband projects within the local area.~~

See also Policy ENV2 and D2

Explanation

- 14.64 Demand for digital services and applications will continue to rise rapidly, with a consequent acceleration in the amount of data being carried over networks. To support this demand, the UK needs infrastructure that is high capacity, reliable, resilient, secure, affordable and fast. For example, York is the first UK city to get 1000Mb UltraFibreOptic broadband connectivity.
- 14.65 The Council supports the enhancement of communications infrastructure whilst at the same time seeking to ensure that the visual and environmental impacts are minimised. Where additional infrastructure is proposed at an existing site the cumulative impacts of the new and existing infrastructure will need to be taken into account as part of the planning application process. As an example, a balanced view may need to be taken between the visual intrusions of adding to existing facilities compared to a new site when considering visual amenity.
- 14.66 Given the special character of York, the siting, appearance and visual impact of any telecommunications infrastructure is key and is particularly important for any applications for prior notification of proposed development in respect of permitted development rights, for which criterion ii) and iv) will be applied. Where proposals fall under permitted developments rights, operators are encouraged to notify the Council of any communications infrastructure installations, such as mobile phone antennas, even though not all permitted development requires prior approval and there is no longer a statutory requirement to carry out 'licence notifications'.
- 14.67 The options for siting equipment on existing masts or sites at the proposed installation location, or at an alternative location should be fully explored before proposing the new installation. This is of particular importance where the site falls within an area of sensitivity, such as the Green Belt, strays, green wedges, sites of nature conservation value, conservation areas, listed buildings and their setting and areas of visual importance including key views. For sites that fall within an area of sensitivity a feasibility study should be submitted to justify the provision and location of the new facility. When undertaking such a feasibility study, a clear understanding of the significance of a heritage asset (including non-designated heritage assets) and its setting is necessary to develop proposals which avoid or minimise harm.
- 14.68 ~~The provision of and access to ultrafast and future proof connectivity is now an essential, and a key enabler for the UK's Industrial Strategy, that is being supported by Government programmes and other initiatives. More specifically, one of the Government initiatives aims to enable everybody in the UK to access broadband speeds of at least two megabits per second and 95% of the UK to receive far greater speeds, (at least 24 Mbps), by 2017. In addition the European Commission, through the Digital Agenda for Europe, anticipates 100% coverage of 30Mbps broadband or more by 2020 and that over 50% of households will have a subscription to broadband connection in excess of 100Mbps.~~ Future development provides an ideal opportunity for the Council and other organisations to expand and continue the

development of York's world-class ultrafast connectivity and it is vital to offer high-speed internet access as York continues to be promoted as a vanguard 'Digital City'. York must also address the growing need for City's transport network to have high speed connectivity. York intends to retain its position as a leader in this area by ensuring appropriate data connectivity is available throughout the existing road network and is included where new roads and transport infrastructure are provided to meet the challenge the city will face with the advent of new technologies. This includes the use of ducting, street furniture and on-premise masts.

14.69 Various changes have been made to Electronic Communications Code³ in England, to support the rollout of fixed broadband in all areas, apart from Sites of Special Scientific Interest. The changes to the Code are designed to help speed up the deployment of superfast broadband and reduce uncertainty and delays for communications providers, and will expire in 2018. The change introduced "a more permissive regime" for installation of above ground fixed line broadband electronic communications apparatus, and removed the requirement for prior approval by planning authorities for broadband cabinets and poles in protected areas.

14.70 Further changes to planning in England have also been made to support 4G rollout in non-protected areas including extending and widening existing masts, permitting larger and taller antennas and small cell antennas. Specific changes for protected areas saw the addition of an allowance of three antennas to masts and dish antennas to existing masts, as well as small cell antennas. Two codes of best siting practice have also been published to complement the statutory changes.

Planning obligations may be used to ensure that new sites are available for future mast sharing subject to technical and operational constraints. Reforms to the Electronic Communications Code, made through the Digital Economy Act 2017, will further encourage the simplification of the process for installing or upgrading digital infrastructure. The rapid pace of technological change within the industry means that fewer installations may be required in the future and so it is important that redundant installations are removed and the site fully restored (including aftercare). Such obligations may also be used to require the expeditious removal of equipment and installations once they cease to be operational.

The Council will seek the removal and relocation of any visually intrusive masts particularly in the city centre, as and when the opportunity arises. A planning condition or obligation as appropriate will be used to implement the removal of redundant masts or other communications equipment, where appropriate.

Delivery

- Key Delivery Partners: City of York Council; telecommunications providers and developers
- Implementation: Planning applications, Developer Contributions and telecommunications providers.