

## BRECKLAND DISTRICT COUNCIL

**Report of:** Trevor Carter, Executive Member – Asset Management

**To:** Cabinet, 24 March 2015

**(Author:** Kirsty Mallett – Land Management Officer)

**Subject:** Request for Wayleave Agreement – Land at Mundford Road, Thetford

**Purpose:** To agree to a Wayleave request from BT for the installation of a junction box on Council owned land at Mundford Road, Thetford for a fee of £750 which is part of the Better Broadband for Norfolk project.

### **Recommendation(s):**

Agree Option 1: Agree to the Standard Wayleave Agreement and fee of £750, without undertaking a valuation for the application from BT for a Wayleave at Mundford Road, Thetford and for all other applications for Wayleave's from BT where they form part of the Better Broadband for Norfolk project only.

## **1.0 BACKGROUND**

- 1.1 The Council has received a request from BT for the installation of a new Communications cabinet/junction box and cabling on Breckland Council-owned land at Mundford Road in Thetford (see Appendix 1).
- 1.2 This application from BT is part of the Better Broadband for Norfolk project. (see Appendix 2) Members will be aware that in July 2014 Cabinet agreed to an investment of up to £950,000 to support this Norfolk-wide partnership project that will improve broadband connectivity across the Breckland Council area. The current Better Broadband for Norfolk project includes £15 million investment from Norfolk County Council, £15.4 million from Government and over £11 million from BT.
- 1.3 Where possible this project has placed the new infrastructure required on Norfolk County Council adopted land. However there are instances where this may not be the case which is this case here. The project then looks at whether the infrastructure can be placed on other local authority land.
- 1.4 The Council's constitution requires any interest in land such as a Wayleave Agreement to be valued and the resulting outcome of that valuation to be charged as a minimum to the applicant as the fee consideration for entering into the Wayleave Agreement. Where the fee consideration is below that valuation, a Cabinet decision is required.
- 1.5 For the Better Broadband for Norfolk project there is a nationally agreed standard fee consideration of £750 (inc. VAT) plus £6 per metre of duct. There is no facility to pay anything over and above this fee. There is also a Standard Wayleave Agreement document provided by BT that needs to be adopted. There is also no ability to obtain the Council's legal fees that the Council would normally charge the applicant.
- 1.6 A valuation would cost the Council c.£250. We are aware from other cases that the valuation is likely to result in a fee consideration of between £1,500 and

£2,000. However BT has stated that they will not accept a higher fee consideration and therefore it appears uneconomical to spend £250 on the valuation.

- 1.7 The central point is that public funding is paying for the deployment of broadband in areas that would otherwise not receive access to Superfast broadband because the locations are not commercially viable.
- 1.8 Consequently, to minimise costs to the public purse and maximise the coverage possible from the public funding, standard rates have been agreed nationally with BT. Some public sector bodies have accepted peppercorn levels of Wayleave charges to enable the Broadband installation to happen more quickly. Even with public subsidy we understand that some areas are still not benefitting.
- 1.9 Given that Breckland Council has granted the project funding already, by attempting to charge an amount greater than the nationally agreed amount would in effect be the Council taking its funding back.
- 1.10 It is not known at this stage how many further applications the Council may receive for Wayleave Agreements in respect of the Better Broadband for Norfolk project.

## **2 OPTIONS**

- 2.1 Option 1:** Agree to the Standard Wayleave Agreement and fee of £750, without undertaking a valuation for the application from BT for a Wayleave at Mundford Road, Thetford and for all other applications for Wayleave's from BT where they form part of the Better Broadband for Norfolk project only.

The Council affectively subsidises the Wayleave application against its real value and also contributes to the legal fees which would in any normal application be paid by the applicant i.e. BT.

- 2.2 Option 2:** Agree to the Standard Wayleave Agreement and fee of £1, without undertaking a valuation for the application from BT for a Wayleave at Mundford Road, Thetford and for all other applications for Wayleave's from BT where they form part of the Better Broadband for Norfolk project only.

The Council affectively subsidises the total cost of Wayleave application against its real value and also contributes to the legal fees which would in any normal application be paid by the applicant i.e. BT.

- 2.3 Option 3:** Do not agree to the standard Wayleave Agreement and fee consideration of £750 and undertake a valuation and attempt to charge the higher value.

If the Council decided to take this option, it is highly likely BT will not accept resulting in BT not putting the infrastructure in place in that location, affecting local residents and businesses who would then suffer from not receiving the better broadband services.

### **3.0 REASONS FOR RECOMMENDATIONS**

3.1 This enables Better Broadband in the designated area to occur and reduces the minor 'repayment' of the Council's original financial investment.

### **4.0 EXPECTED BENEFITS**

4.1 The relevant area set to receive improved broadband services will do so as quickly as possible.

### **5.0 IMPLICATIONS**

#### **5.1 Carbon Footprint/Environmental Issues**

5.1.1 These have been considered and in the opinion of the author there are no direct implications as a result of the report.

#### **5.2 Constitution & Legal**

5.2.1 These have been considered and in the opinion of the author there are not direct implications as a result of the report.

#### **5.3 Contracts**

5.3.1 These have been considered and in the opinion of the author there are not direct implications as a result of the report.

#### **5.4 Corporate Priorities**

5.4.1 This approach underpins the corporate priority 'To support our local economy'.

#### **5.5 Crime and Disorder**

5.5.1 In the opinion of the report author having considered the issue of crime and disorder there are no implications.

#### **5.6 Equality and Diversity/Human rights**

5.6.1 In the opinion of the report author having considered the issue of equality and diversity / human rights, there are no implications.

#### **5.7 Financial**

5.7.1 Please see attached Proforma b.

#### **5.8 Health & Wellbeing**

5.8.1 In the opinion of the report author having considered the issue of health and well being there are no implications.

#### **5.9 Risk Management**

5.9.1 In the opinion of the report author having considered the Risks there are no implications.

## **5.10 Staffing**

5.10.1 At this stage there are no implications for staffing.

## **5.11 Stakeholders / Consultation / Timescales**

5.11.1 Consultation has been undertaken via the normal process including Ward representatives and no comments have been received.

## **6.0 Wards/Communities Affected**

6.1 Thetford Abbey

---

### **Lead Contact Officer**

Name/Post: Kirsty Mallett, Land Management Officer

Telephone Number: 01362 656293

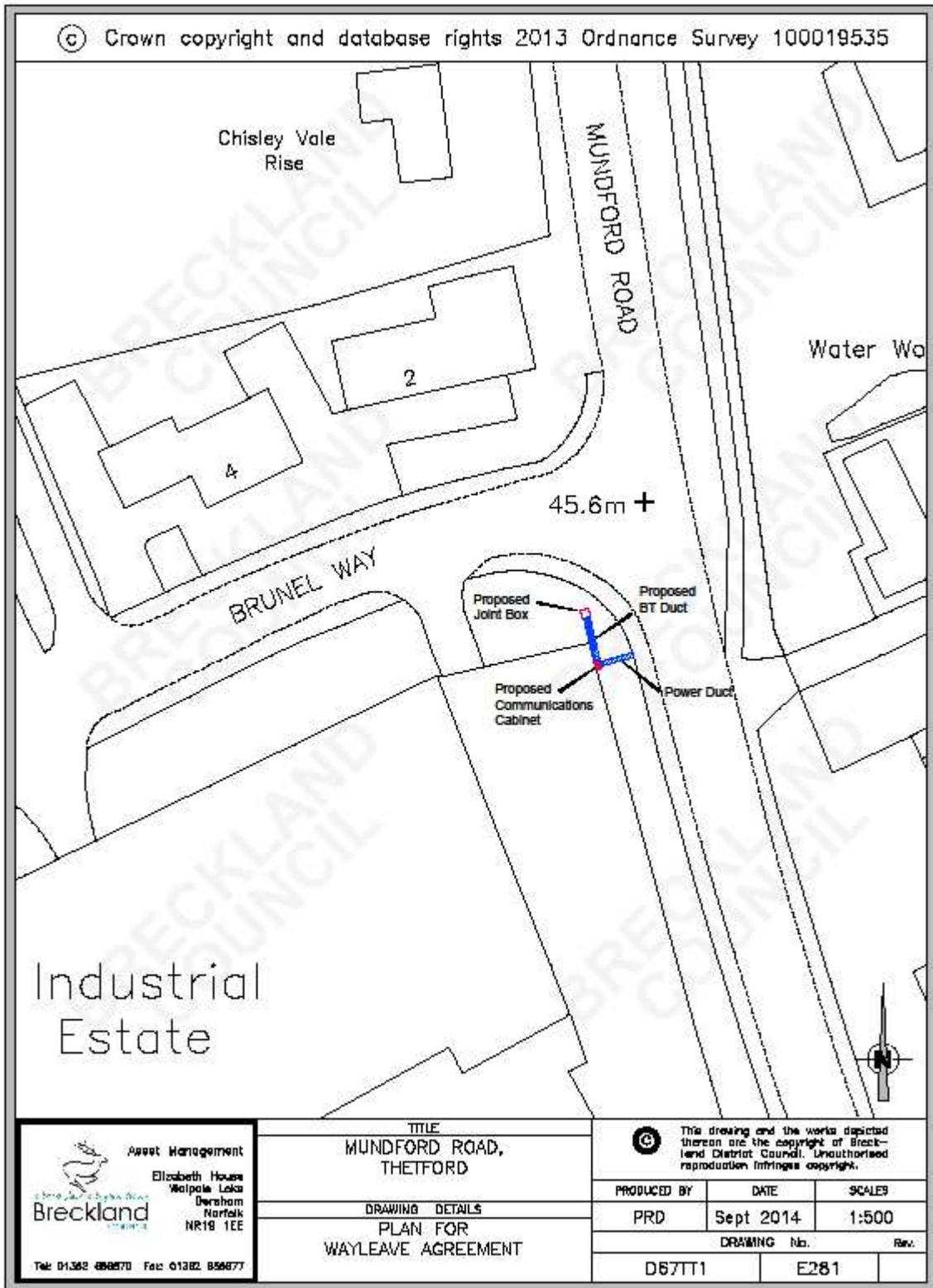
Email: [kirsty.mallett@breckland.gov.uk](mailto:kirsty.mallett@breckland.gov.uk)

Appendices attached to this report:

Appendix 1 - Plan

Appendix 2 – Better Broadband for Norfolk Information Sheet 19

Appendix 1





### **Better Broadband for Norfolk Information Sheet 19 (30 January 2015)**

In December 2012 Norfolk County Council and BT signed a deal that means more than 80% of Norfolk's homes and businesses are expected to be able to access superfast broadband (24 Megabits per second plus) by the end of 2015. In addition to this, the Better Broadband for Norfolk (BBfN) programme intends to make minimum broadband speeds of 2Mbps available to all Norfolk premises by the end of 2015. The first services became available in July 2013.

Over the next 11 months, work to survey, upgrade and install broadband infrastructure will take place and better broadband services will become available in 'phases'. We aim to keep the people of Norfolk updated about the programme on the BBfN website ([www.betterbroadbandforfolk.co.uk](http://www.betterbroadbandforfolk.co.uk)) and via these information sheets every three months. Read on for our latest update.

#### **What's happened since the last update?**

Since November superfast services have gone live in parts of Colkirk, Lenwade, Martham, Shotesham, Wreham, Cromer, Methwold, Mulbarton, North Pickenham, Poringland, Swanton Morley, Ashill, Badersfield, Beeston with Bittering, Blackborough End, Cley, Colkirk, East Runton, East Winch, Fleggburgh, Fincham, Knapton, Little Dunham, Litcham, Marham, Mileham, Narborough, Necton, North Runton, North Walsham, Pickenham, RAF Marham, Salhouse, Sporle, Swanton Morley, Terrington St Clements, Trunch, Upper Marham, West Winch, Whissonsett and Wretton.

This brings the total number of Norfolk homes and businesses who can buy superfast services as a result of the BBfN programme to more than 119,000. Remember, when new superfast services go live existing broadband packages won't be upgraded automatically. If you live in an area that can get faster speeds now (which you can check via the BBfN website) you'll need to talk to your current internet service provider or other companies that provide internet services in your area about how to benefit from the faster speeds.

You may have seen in the news recently that, thanks to £17.9 million of extra funding from central government, New Anglia Local Enterprise Partnership, BT and us at Norfolk County Council, we're extending the BBfN programme to more parts of Norfolk. This means that over the next few years we'll be working towards getting 90 per cent of the county connected to faster fibre broadband. This percentage is set to increase further with investments from five of Norfolk's district councils - Breckland, Broadland, King's Lynn and West Norfolk, North Norfolk and South Norfolk – matched by central government funding. Further details on this are likely to be announced in the summer.

#### **Which areas will receive better broadband next?**

We've just announced the areas that are due to be able to access high speed broadband by the end of June 2015. These are parts of Fundenhall, Hingham, Watton, Loddon, Chedgrave, Lopham, Northwold, East Rudham, Fakenham, Syderstone, Thursford, Acle, Great Yarmouth, Holt, Melton Constable, Sheringham, Wells, Brancaster, Dersingham, Ingoldsthorpe, Hunstanton, Castle Rising, Hillington, Grimston, Roydon, Pulham Market, Hevingham, Aldborough, North Walsham, East Ruston, Framlingham Earl, Norwich, Salhouse, Rackheath, Swainsthorpe, Wroxham, Queens Hill, Hethersett, Mulbarton, Weeting, Feltwell, Hockwold, Mundford.

As services become available, people can check whether their home or business premises can receive better broadband services as a result via the BBfN website.

**If you require further information please telephone Norfolk County Council on 0344 800 8020.**