



## Digital Infrastructure Delivery Partnership

# Memorandum of Understanding

September 2020

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# 1 Background

- 1.1 Oxfordshire County Council, Oxford City Council, and all Oxfordshire district councils have collaborated for the last five years in ensuring Oxfordshire reaches a high level of superfast broadband coverage in Oxfordshire. This has enabled 97% of premises to date, to be able to access this increasingly vital service.
- 1.2 This achievement cannot stand still. As internet applications expand in scale and volume, internet traffic is doubling every two years, meaning that the current limitations of Fibre to the Cabinet based digital connectivity will cease to be fit for purpose within the next ten to fifteen years. Equally, mobile broadband is increasingly vital for businesses, residents, and the public sector itself, for efficient delivery of services. The impending arrival of 5G mobile will also be key to enabling ambitions for a smart Oxfordshire where autonomous vehicles, dynamic traffic information, IoT sensors, and as yet unknown applications will be key to a successful and thriving county. The solution is to plan now on how to deliver full fibre and mobile infrastructure to all of Oxfordshire within that timeframe.
- 1.3 Although the exact mix of commercial delivery and publicly subsidised coverage is yet to be defined, a common requirement will be facilitating wherever possible and practical, the means of operational delivery. This pertains to managing planning permission, use of public sector assets, access to our highways for civils works, and wayleave approvals. The partnership under this MoU will enable a collaborative approach to facilitating this, with each entity having an important operational role to play, as well as the partnership approach enabling a collective and strategic view of the issues and opportunities raised.

# 2 Partnership aims and objectives

- 2.1 Ensure that all Partners have input to and awareness of the Digital Infrastructure strategy, as well as being aware of the individual operational responsibilities required to facilitate delivery of Digital Infrastructure in Oxfordshire;
- 2.2 Specific objectives are:
  - 2.2.1 **Access to Public Sector Assets;** Build a combined list of assets (county council and district councils) such as buildings (possibly for rooftop mounting of mobile transmission), street furniture, any council owned ducting, or any other asset which could be used by Operators to install fixed or mobile transmission equipment. OCC and district councils to collectively understand commercial models and preferred approach – for example;

- a) Open Model; Allowing multiple Operators to contract directly with the local authority using the Code Agreement.
- b) Cooperative Model; Asset Sharing Agreement via for example a Joint Venture. Local Authority retains control of assets, simple to share with private sector, no complex revenue share – the Cooperative just pays a fee to the asset owner. Non-discriminatory and non-exclusive. This promotes competition, innovation, and public sector collaboration.
- c) Concession Model; If used, this must ensure it unlocks investment in hard to reach areas. Must mandate open access to Providers. Must have a 'use it or lose it' clause. This model has issues with the nature of Exclusivity baked in. This is less of a problem when the Concession holder is in the business of providing infrastructure to network providers rather than being a provider itself.

2.2.2 **Highways;** OCC to formally issue the DCMS street works guidance to OCC Highways for the purpose of being able to set out clear guidance to Operators on what Highways can do to facilitate Operators having access to our roads for the purpose of digital infrastructure provision. This approach needs to be transparent and available to all utility companies. OCC to consider funding a role within Highways to be solely responsible for digital infrastructure highways requests.

### 2.2.3 **Planning Policy;**

- a) New Build Development; Ensure all Local Plans specify that all planning for new development in Oxfordshire is subject to the Developer installing full fibre connectivity, i.e. adhering to the February 2019 NPPF updates. This to flow up through the JSSP.

NB Oxford City Council's draft Local Plan has recognised the increased importance of digital infrastructure by including a policy which addresses this. However, this policy is still subject to modification from the Planning Inspector so the proposed wording could be subject to change.

- b) Each Planning Authority agrees to providing all Operators with any information which may be relevant – for example any data held on where major new housing developments have passed planning. This can be useful to fixed and mobile Operators in planning capacity.
- c) Planning Applications for mobile masts; whilst it is noted that Operators will need to show awareness of local concerns, all reasonable measures should be taken to work with Operators to allow permission for erecting infrastructure which improves digital access. Encouragement should be to allow sharing of assets between all relevant Operators to avoid duplication.
- d) Planning should be strategic such that opportunities are considered early and

shared with Operators. For example if a new road is planned or significant works scheduled, if this knowledge was proactively shared with Operators, they might choose to simultaneously install new fibre ducting.

e) Barriers to delivery of the Digital Infrastructure strategy need to be removed where possible, but balance needs to be struck and more care does need to be taken in terms of sympathetic design and siting when structures are required to be located in Conservation Areas and/or near to Listed Buildings, in line with the National Planning Policy Framework.

#### 2.2.4 **Wayleaves;**

- a) Each Authority to aim to have a standardised wayleave agreement template in place such that Operators requiring access to land owned by that Authority, can be familiar with the wayleave terms and conditions
- b) The representative of each Authority (named below) to agree to facilitate and try and reach consensus to progress a wayleave if it is proving difficult to progress – even if the wayleave is not for public land access

2.2.5 **Digital Infrastructure Champion;** each partnership member organisation should nominate a Digital Infrastructure Champion to advocate, promote, and share knowledge of the Oxfordshire Digital Infrastructure programme

### **3 Partnership activities**

3.1 Activities to be delivered by the partnership are:

3.1.1 Monthly Digital Infrastructure Project Board with agenda, actions, and minutes.

3.1.2 All funding applications to DCMS (LFFN, 5G, Local Industrial Strategy, Innovate UK Funding etc.) to be collaborative efforts. This especially applies to getting senior officer and political signatories.

3.1.3 Each representative of this partnership to own issues within their respective organisations, where the issue in any way impedes digital infrastructure delivery.

3.2 The initial timeframe for partnership activities will be three years, commencing in September 2020.

3.3 Activities will be reviewed annually to ensure that they are being delivered as agreed, and that they are having the intended impact.

## **4 Monitoring**

- 4.1 All partners commit to ongoing monitoring, with the aim of ensuring accountability and performance against targets/milestones.
- 4.2 The Digital Infrastructure Project Board will co-ordinate the monitoring and report back to senior teams and governing boards as appropriate.

## **5 Designated partnership leads**

- 5.1 Each partner will appoint a senior member of staff to lead on the work of the partnership.
- 5.2 The designated lead member of staff for each partner will be:
  - 5.2.1 Oxfordshire County Council - Craig Bower
  - 5.2.2 West Oxfordshire District Council - Will Barton
  - 5.2.3 Oxford City Council - Tom Bridgman
  - 5.2.4 Cherwell District Council - Robert Jolley
  - 5.2.5 South Oxfordshire and Vale of White Horse District Councils - Melanie Smans
  - 5.2.6 Oxfordshire Local Enterprise Partnership - Ahmed Goga

## **6 Partnership governance and oversight**

- 6.1 Digital Infrastructure Project Boards are scheduled monthly. This may reduce to quarterly by the end of 2019. OCC to issue agenda items, minutes of previous meetings, and actions, a week before the scheduled board date.
  - 6.1.1 Each partnership organisation should have a nominated SRO and elected member which specifies Digital Infrastructure as their responsibility/portfolio.
  - 6.2.1 This Digital Infrastructure MoU is to be referred to in all related strategy documents; Oxfordshire Digital Infrastructure Strategy and Delivery, Oxfordshire Plan 2050, Oxfordshire Local Transport and Connectivity Plan, Oxfordshire Local Industrial Strategy, Oxfordshire Housing and Growth Deal.

## 7 Financial contributions

- 7.1 Oxfordshire County Council will fund the operational needs of the Digital Infrastructure partnership out of the existing Better Broadband for Oxfordshire programme. Each partnership representative will fund their own costs in terms of time and travel related to partnership activities.

## 8 Disclaimer

- 8.1 It should be noted that by signing this document or by participating in the Digital Infrastructure partnership, the partners are not committing to legally binding obligations. It is intended that the partners remain independent of each other and that their collaboration and use of the term 'partner' does not constitute the creation of a legal entity, nor authorise the entry into a commitment for or on behalf of each other.

### Signed on behalf of Oxfordshire County Council



Sue Halliwell, Director for Planning & Place, Oxfordshire County Council  
Date: 6 April 2020

### Signed on behalf of West Oxfordshire District Council



William Barton, Business Development Officer, West Oxfordshire District Council  
Date: 9 January 2020

### Signed on behalf of Oxford City Council



TOM BRIDGMAN, DIRECTOR OF DEVELOPMENT Date 13/02/20

Tom Bridgman, Director of Development, Oxford City Council  
Date: 13 February 2020

**Signed on behalf of Cherwell District Council**



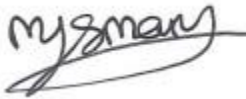
Robert Jolley, Assistant Director Growth & Economy, Cherwell District Council  
Date: 2 September 2020

**Signed on behalf of South Oxfordshire District Council**



Dr Melanie Smans, Economic Development Manager, South Oxfordshire and Vale of White Horse District Councils  
Date: 2 January 2020

**Signed on behalf of Vale of White Horse District Council**



Dr Melanie Smans, Economic Development Manager, South Oxfordshire and Vale of White Horse District Councils  
Date: 2 January 2020

**Signed on behalf of Oxfordshire Local Enterprise Partnership (OxLEP)**



Ahmed Goga, Director of Strategy & Programmes, Oxfordshire Local Enterprise Partnership  
Date: 3 March 2020