



Growing Sussex

Insight - How can rural communities benefit from 5G private networks?

The following Insight has been prepared by West Sussex County Council after it has received advice from Barrister Wayne Clark KC of Falcon Chambers.

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PROJECT OVERVIEW

Growing Sussex is a forward-thinking initiative led by West Sussex County Council (WSCC), funded by the Department for Science, Innovation and Technology (DSIT). As part of the UK's 5G Innovation Regions programme, the project aims to accelerate the adoption of advanced wireless technologies - 5G, IoT, and AI - across the food, drink and plant production sector.

OBJECTIVES

- To demonstrate how advanced wireless-enabled technologies (e.g. sensors, drones, cameras) can improve productivity and sustainability in growing food, drink and plants.
- To develop a repeatable model for commercial investment in advanced wireless deployment in rural growing areas.
- To develop affordable, scalable connectivity supporting data driven decision making across the sector – on land and under glass.

THE CHALLENGE

The challenges are two-fold:

1. BRIDGING THE RURAL DIGITAL DIVIDE

Rural communities continue to face significant disparities in digital connectivity compared to urban areas. Limited access to high-speed internet and reliable mobile coverage — due to the absence of robust infrastructure such as fibre optic networks and strong mobile signals — results in slower speeds, unreliable connections, or complete lack of service.

This digital exclusion affects access to essential services like healthcare, education, and economic opportunities, which increasingly depend on reliable connectivity as well as the ability to live an 'online life' and enjoy the financial, social and health benefits that are increasingly seen by Government as central to modern life.

2. JUSTIFYING INVESTMENT IN PRIVATE 5G NETWORKS FOR GROWERS

Growers are navigating a difficult landscape marked by rising costs, extreme weather, and resource shortages. For many, the investment in digital infrastructure must be clearly justified by tangible benefits.

To strengthen the business case:

- Lower the cost to individual Growers by identifying shared use opportunities.
- Create demand clusters among neighbouring Growers.
- Attract mobile network operators (MNOs) to extend services to nearby communities.

The broader the adoption of digital infrastructure, the more cost-effective it becomes for individual Growers—benefiting the entire rural ecosystem.



THE OPPORTUNITY

While the ambition to scale digital infrastructure is well-founded, it presents practical challenges.

Infrastructure providers or network providers typically require Code Powers to enable broader sharing and adoption of their infrastructure by MNOs. A unique opportunity exists when a private 5G network provider and an MNO operate within the same organisation or as sister companies—creating synergies that support wider service adoption.

However, the introduction of Code Powers into the mix is likely to cause hesitancy and nervousness, given the sweeping powers that come into being by virtue of existing legislation under Code Powers (once rights are granted by landowners or otherwise obtained), to install and maintain equipment on land, sometimes even against the landowner's wishes.

To succeed in real-world growing environments, the initiative must:

- Build trust with landowners - be transparent about what Code Rights the operator has and the implications of those rights.
- Provide fair and flexible Land Agreements
- Demonstrate clear economic value to the rural community – use of previous Case Studies can help here.

STRATEGIC APPROACH

1. STAKEHOLDER ENGAGEMENT

- Engage landowners early and directly.
- Host in-person meetings with the landowner and legal representatives to review the proposed Code Agreement.
- Avoid prolonged email negotiations—ensure decision-makers are present to agree on changes.
- Clearly explain key terms, especially where the Growers and/or their legal representatives may be unfamiliar with this area of law.

2. CODE RIGHTS

- Be transparent about what Code Powers legally permit.
- Emphasise that if a Grower voluntarily agrees to host infrastructure and receive network services, there is no need for an application to the Tribunal for the imposition of Code Rights, the voluntary agreement will still be an agreement protected by the Code.

Growers will inevitably require specialist legal representation and this should be sought early on since there is a risk that time can be wasted negotiating points that are already determined under the Code or that have been ruled upon by the Tribunal since the Code came into force. A Grower could easily find that certain terms of a contract with the Supplier to whom Code Powers have been applied are overridden by the operator's Code Powers.

3. WIDER ADOPTION vs SOLE USE

- Share the realistic potential for broader infrastructure use, with the Grower:
 - Local mobile speeds
 - Proximity to other businesses and residents
 - In many cases isolated geography may prevent wider adoption
- Even if the service is provided to a single Grower, Code Powers may still apply if the service provider holds Code.
- However, where the service is provided only to a single Grower and the network is not serving others, emphasise to the Grower, that if the service provision ends and the infrastructure serves only the landowner, Code Rights no longer apply.
- Offer annual reviews to reassess wider adoption opportunities.

4. LAND AGREEMENT BEST PRACTICE

- Provide a fair and balanced Code Agreement template from the outset.
- The Electronic Communications Code applies regardless of whether the agreement is a licence, wayleave, or lease.
- **Lift & Shift** – From a Grower's perspective a "lift and shift" provision is advisable especially with new access routes, new buildings. The voluntary introduction of a lift and shift clause by a Supplier will help give reassurance to Growers that the infrastructure will not impede their operations.
- **Inclusion of Realistic Rents** - Suppliers should be transparent with Growers about rental terms, particularly regarding post-term rent increases. A substantial uplift in rent after the agreement period may be deemed a penalty and therefore unenforceable. Instead, proposing a fair and realistic increase—while it may be less commercially attractive to the Supplier—helps foster trust and encourages long-term collaboration between both parties.

5. MOTIVATING GROWERS

- Communicate clearly and factually—no surprises or ambiguity.
- Highlight contributions to wider rural community and fellow business owners.
- Agree upfront to cover reasonable legal costs where appropriate, including those incurred during early design discussions.
- If setting a cap on legal costs, ensure it reflects the true costs of the engagement. Setting it too low may discourage landowner participation.



KEY TAKEAWAYS

- Engage Stakeholders Early: An in-person meeting can streamline the agreement and build trust.
- Clarify Code Rights: Be transparent about what Code Powers and Code Rights entail and when they apply, especially in voluntary agreements with Growers.
- Provide Fair and Flexible Agreements: Use balanced templates to reassure Growers.

Scalable deployment of private 5G infrastructure for Growers that can also improve the digital divide for rural communities, hinges on in-person engagement, upfront communication regarding Code Rights and fair legal agreements. By promoting shared use of infrastructure, the strategy aims to reduce costs, encourage wider adoption, and ensure long-term value for both Growers and Suppliers.

USEFUL LINKS

- [Wayne Clark KC | Falcon Chambers](#)
- [Electronic Communications Code - Ofcom](#)
- [Code of practice concerning agreements for access to private land - Ofcom](#)

LEARN MORE

Visit our site for more information.

CONTACT US

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Led by West Sussex County Council and funded by DSIT, Growing Sussex is an exciting project to advance digital technology and data driven decision making in food, wine and plant production.

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