

Public Review

Dates: 15th July 2021 - 16th August 2021



Department for
Digital, Culture,
Media & Sport

PROJECT GIGABIT

West of Cornwall and Isles of Scilly

East of Cornwall

REQUEST FOR INFORMATION



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Cornwall and Isles Of Scilly Public Review

New procurement to extend coverage of gigabit-capable broadband across the East and West of Cornwall and the Isles of Scilly.

Duration: To commence on Thursday 15th July 2021 and close on Monday 16th August 2021.

1. Introduction

The Government's ambition is to deliver nationwide gigabit-capable broadband as soon as possible. We recognise that there is a need for government intervention in the parts of the country that are not commercially viable, this is why the Government has committed £5bn for the hardest to reach parts of the country, ensuring that all areas of the UK can benefit. This will be spent through a package of coordinated and mutually supportive interventions, collectively known as the Project Gigabit Programme.

BDUK conducted an Open Market Review (OMR) on 25th March 2021 - 22nd April 2021 to understand from suppliers if there were any current or planned investment over the next three years in broadband infrastructure (Next Generation Access broadband, ultrafast and gigabit-capable) in the identified geography.

The Public Review process aims to validate the outcome of the OMR and BDUK's mapping to ensure that it correctly represents the information provided by suppliers in the course of the OMR and to ensure that the right areas are targeted for government investment.

We invite stakeholders (including the public, businesses, internet service providers and broadband infrastructure operators) to provide us with feedback about the proposed eligible areas for government investment ('intervention areas') set out in this document.

Suppliers who missed contributing to the preceding OMR, had no definitive plans and/or evidence base on which to substantiate claims at that earlier stage, or have subsequently updated their plans now have a final opportunity to notify BDUK before the procurement stage. The premises identified by BDUK as eligible, as described in section 3, may be grouped into one or more appropriately sized Intervention Areas (IAs). The IAs will be issued to the market so that suppliers can bid for funding to support delivery to those areas.

Why BDUK is seeking your support

BDUK's goal is to ensure the parts of the country that need government investment are accurately targeted. Each contributor to this public review will help to optimise the use of public subsidy in helping to provide faster and better connectivity across all parts of the UK.

Please respond if you have information to contribute to this data validation process. If you did not respond to the recent Phase 1B and Cornwall OMR, and have existing network coverage, or plan to build infrastructure (plans within the next three years are required, but plans beyond this period can be submitted also), please submit your plans so that public subsidy can be targeted more accurately and over-building commercial infrastructure can be avoided. Provide your views about the accuracy of data and mapped areas (to inform the final Intervention Area), by reporting where premises have existing or planned gigabit-capable broadband coverage.



Please include in your submission, any existing or planned infrastructure you have gained with assistance from Government subsidy; for example, Vouchers, Superfast (NBS 2012 or NBS 2016) and Hubs.

2. Purpose of this Public Review

This Public Review sets out a description of the proposed subsidy measure and defines the proposed eligible areas, to enable all interested stakeholders (including the public, businesses, internet service providers and broadband infrastructure operators) to comment on those proposals.

Supplier data submitted during the OMR has been incorporated into BDUK maps using a methodology that protects commercially sensitive supplier data.

All meaningful responses to the Public Review will be carefully considered and where necessary, utilised to determine eligible premises. The final eligible area maps and a summary report confirming details of the changes will be published on the gov.uk website after the close of the review period. The finalised eligible premises and proposed Intervention Areas will then be submitted to BDUK's National Competence Centre (NCC) for approval against the UK Subsidy Control Regime. The responses and output from the Public Review will therefore help us gain further confidence that the proposed interventions are in areas that are eligible for subsidy, i.e., areas which are not commercially viable and require government intervention to address market failure.

Current context - East and West of Cornwall and the Isles of Scilly

BDUK initiated an Open Market Review (OMR) for the **East and West of Cornwall and the Isles of Scilly** on 25th March 2021 - 22nd April 2021.

You can view the OMR publication here:

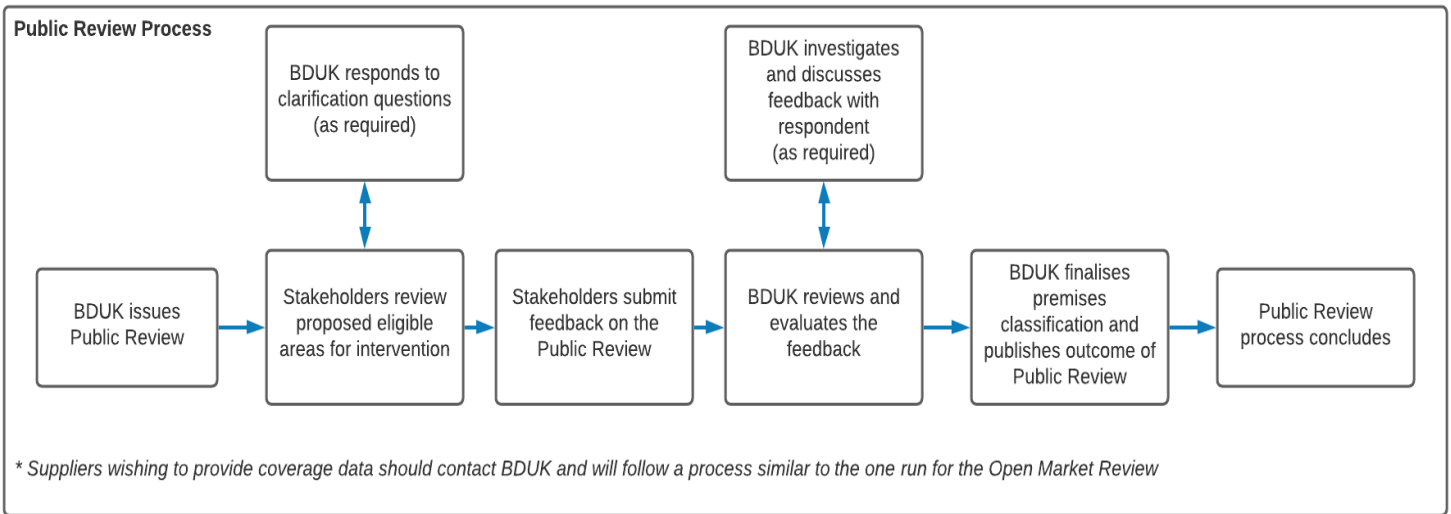
<https://www.gov.uk/government/publications/project-gigabit-programme-open-market-review-request-for-information-phase-1b>

The OMR indicated that planned commercial coverage for gigabit-capable broadband would reach approximately **96,019** premises within the next 3 years, and would therefore leave the remaining **206,622** premises without access to gigabit-capable broadband.

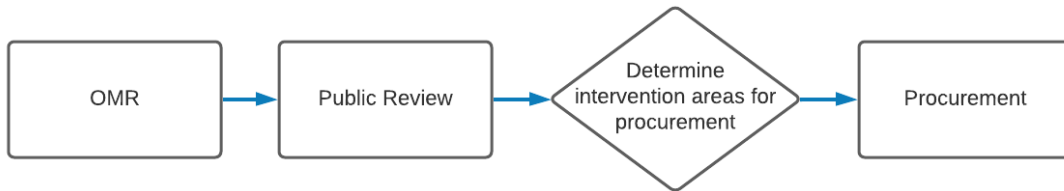
As part of this public review, we will evaluate any further responses in order to validate the eligibility of the premises for government subsidy. Once concluded, this Public Review will confirm the premises to be included in procurements.



Public Review Process Flowchart



OMR to Procurement Process Flowchart



Role of Local Bodies

BDUK will work with the relevant local bodies to answer questions, evaluate supplier responses, assess data accuracy, manage the build phase and engage with the local community. The local body will support BDUK to confirm the eligible premises to be included in the Intervention Area at the end of the Public Review.

BDUK will be responsible for maintaining a central dataset and will work with authorities to assess and review the data in the areas relevant to the respective local body and intervention areas.

This Public Review is being carried out independently of any activities that local bodies may be undertaking, for example, under the National Broadband Scheme 2016 known as the Superfast Programme.

3. Key Eligibility Requirements for Subsidy

The outcome of the OMR and PR is shown in terms of 'White', 'Grey', 'Black' and 'Under Review' premises. We will only subsidise build to premises which have been designated as White.



- **White** - indicates premises with no gigabit network infrastructure and none is likely to be developed within 3 years. Annex C provides information on the technology 'qualify' as gigabit capable.
- **Black** - premises with two or more qualifying gigabit infrastructures from different suppliers being available, or will be deployed in the coming 3 years.
- **Grey** premises - a single qualifying gigabit infrastructure from a single supplier is available, or is to be deployed within the coming 3 years.
- **Under Review** - premises where suppliers have reported planned commercial broadband coverage, but where those plans have been judged through the OMR as potentially being at risk of not being completed.

Premises categorised as 'Under Review' will be subject to continued monitoring and verification of supplier plans within the three-year period by BDUK. BDUK may request commitment from the supplier that significant progress is made within three years. In the event that these commercial plans fall away, these premises will be mapped as eligible and form part of the proposed intervention area and so eligible for intervention via this aid measure. We request that suppliers inform us regarding all plans, including plans beyond the initial three-year period.

BDUK classifies premises on the basis of their existing or planned broadband infrastructure, as set out in Annex C. The OMR and PR data analysis of supplier's broadband coverage claims is undertaken at UPRN (premises) level.

What are "step change" requirements?

BDUK also requires that public intervention should be able to ensure a 'step change' in broadband availability from that currently available as well as credible planned networks. This is demonstrated by:

- Generally, download speeds must be at least doubled and upload speeds substantially higher as a result of the intervention when compared with existing download and upload speeds
- Significant new investments in the broadband network are undertaken (i.e. investments that must include civil works and installation of new passive elements)
- The new infrastructure brings significant new capabilities to the market in terms of broadband service availability, capacity and speeds and or competition.

The 'step change' in broadband availability shall be compared to that of existing as well as credible planned networks.

For presentational purposes only, postcodes have been used when mapping the proposed eligible areas. (NB we will only subsidise build to premises which have been designated as White - postcodes are not used to determine intervention areas for subsidy).

For the purpose of mapping only, postcodes have been classified as follows:



- A postcode is **White** (W) if any 'White' premises are present and no (UR) premises are present;
- A postcode is **Under Review** (UR) where all premises are (UR), or there is a mixture of (W), (G), (B) & (UR);
- A postcode is **Black** (B) if all premises in the postcode are classified 'Black';
- A postcode is **Grey** (G) if all premises are 'Grey' or a mixture of 'Grey' and 'Black';

The outcome of the OMR is summarised in terms of 'White', 'Grey', 'Black' and 'Under Review' postcodes and premises below.

Postcode Classification	Number of Postcodes	Number of Gigabit Black Premises	Number of Gigabit Grey Premises	Number of Gigabit Under Review Premises	Number of Gigabit White Premises
White	13,985	10	38,561	9,222	163,252
Under Review	3,533	0	18,598	34,148	-
Grey	3,572	2	38,847	-	-
Black	1	1	-	-	-
Total	21,091	13	96,006	43,370	163,252

4. Procurement and Commercial Approach

BDUK has undertaken extensive early market engagement in relation to procurement for interventions. This engagement has included consultation on the programme design, different potential target areas, technical specification (including wholesale access), procurement types and contractual terms. Feedback from broadband suppliers and other stakeholders has been taken into account in all of these areas.

Procurements will be carried out in accordance with the [Public Contracts Regulations 2015](#) (PCR 2015). BDUK procurement approaches are designed to address the scale of the individual procurements. The procurements will be conducted in a transparent and non-discriminatory manner.

Forthcoming procurement - East and West of Cornwall and the Isles of Scilly

BDUK will allocate a specific budget drawn from public funding, based on the final number of premises requiring subsidy for this area, at the procurement stage. The budget will be specified within the Invitation To Tender (ITT) documentation, following the Public Review with any restrictions on the use of public subsidy explained in the tender documentation. BDUK intends to procure gigabit-capable solutions – those capable of achieving a minimum of 1Gbps download speed - for the identified premises in scope for gigabit-capable deployment shown in Premises Data Postcode list.



Once the review is closed and BDUK has finalised the Intervention Areas, an Invitation to Tender (ITT) will be issued within approximately 6 months via a procurement portal, for suppliers to bid for the opportunity to deliver extended gigabit-capable broadband coverage.

5. Participating / responding to this Public Review

BDUK requests information and supporting evidence from suppliers in relation to the presence of broadband infrastructure within the project area. We wish to hear from all relevant stakeholders - including the public, businesses, internet service providers and broadband infrastructure operators - particularly in relation to the proposed mapped eligible areas - **Annex D** and associated postcode list.

Please only respond to this Public Review if you have a meaningful contribution to make.

Please tell us about your:

- Broadband infrastructure - existing;
- Plans for developing / improving broadband infrastructure;
- Suppliers should include in their response any existing infrastructure or planned infrastructure - Please include in your submission, any existing or planned infrastructure you have gained with assistance from Government subsidy; for example, Vouchers, Superfast (NBS 2012 or NBS 2016) and Hubs;
- Interest in bidding for projects and capability to scale;

Responses from residents, businesses and other stakeholders

For residents and businesses, responses should relate to whether you have, or expect to have gigabit-capable broadband service coverage in the next three years. Any information provided in response to this Public Review should as a minimum include (but need not be limited to) the UPRN, or the area that the submission relates to and the nature of the concern.

For all submissions, BDUK would be grateful if you could confirm the following:

- Your organisation's name (if applicable)
- Your organisation's, or residential address (if applicable)
- Your name
- Position
- Contact telephone number
- Email Address

Members of the public and other respondents should follow the above format and email their submissions to ukgigabit@bduk.zendesk.com

Suppliers - In addition to providing contact details in the format above and when making a data response - **See Section 6 - Submission Requirements Suppliers below.**

Suppliers - providing us with feedback on our procurement approach

Suppliers should provide us with feedback as soon as possible about the changes in coverage. However, specific feedback on the procurement approaches can be supplied to the supplier



relationship team via bdukproviders@dcms.gov.uk. Where you may for example separately want to tell us about your capacity to make a bid.

6. Supplier Submission Requirements

We request the following information from suppliers

Please provide information at premise (UPRN) level on, and supporting evidence for, any current or planned investment in broadband infrastructure in the **East and West of Cornwall and the Isles of Scilly** area where this may not be already reflected within the proposed gigabit-capable broadband maps attached in Annex D.

Making a Data Response

To submit a data response, please follow these steps:

- If you have not already done so, sign the Public Sector Geospatial Agreement (PSGA) End User Licence Agreement, which will be required before downloading the data. Please return this, as soon as possible, to ukgigabit@bduk.zendesk.com
- When you have a signed license, we will provide you with login details to our secure file transfer portal where you will be able to download the response templates.
- You may seek clarification, on making a data response, at any time from Thursday 15th July 2021 to Monday 16th August 2021. Please send these questions to us at ukgigabit@bduk.zendesk.com.
- You should make your data submission to us via the secure file transfer portal. Please upload the data response template and any further supporting evidence you feel you should send.

Please note that the data you provide in your response will be treated as commercially confidential, albeit that it may be necessary to share some/all of your response data with our professional advisors and/or local bodies, Ofcom and BEIS Subsidy Control Branch. We will use this information to define the intervention areas (only) following the Public Review.

Please ensure that you engage with us as soon as possible to confirm whether you would require BDUK to put in place a non-disclosure agreement (NDA) enabling us to share data between each other as part of this NDA process.

It should also be noted that it is a requirement to use this information to produce maps to define 'White', 'Grey', 'Black' and 'Under Review' areas for gigabit-capable broadband. However, the published maps will show the aggregated 'White', 'Grey', 'Black' and 'Under Review' broadband areas, not the data provided on a per-operator basis. The final maps and UPRNs that will be used for procurement purposes will be published shortly after the conclusion of this Public Review and once approved by the National Competence Centre.

If you have any questions about any of the above, please contact ukgigabit@bduk.zendesk.com

Data Submission Requirements

Responses to this Public Review must include the following:

1. A data submission that should cover your current and planned premise coverage as per **Annex A**:



- The required data fields are provided through the secure file transfer portal.
 - The premises list will also be made available.
2. Your written supporting evidence template to the points outlined in **Annex B**.
 3. BDUK would also like to hear from operators their views as to the types of wholesale access products they would like to see offered on any newly created subsidised network infrastructure. This information may inform the intervention design. Please note that we are not obliged to include these products in the invitation to tender.

Note also the Technical Definition guidance at **Annex C**.

How should suppliers evidence the commercial viability of their plans?

To assess the commercial viability of your plans, please provide BDUK with evidence of commercial activity in support of your proposed build plans.

In particular, we would like information about structure, adequate capital or evidence of intentions to raise capital, dependencies and assumptions (for example revenue from an existing network) and other financial and commercial information to enable us to understand the viability of plans.

In assessing whether or not operators' future plans are credible, BDUK may:

- Check that the business plans and deployment plans are consistent and in sufficient detail for each phase of the current or planned build.
- Test that funding availability is sufficient for each phase of the current and planned build.
- Review the terms of any financing arrangements.
- Require additional information or clarification with respect to any of the evidence provided.

The kind of evidence suppliers can submit should include for example:

- Commercial approach, such information on parent company, investment backers, or where you have formed or are planning joint ventures
- Financial plan including capital commitment in the area, preferably signed off by CEO or CFO (i.e. we are looking for confirmed plans)
- Indication of investor support or parent company backing e.g. Letter of support
- Rolling revenue forecast model for 3 years for the duration of the full PR period or at minimum the next 12 months
- Dependencies and assumptions behind the financial plan, such as reliance on Gigabit Voucher or other public sector-derived revenue and per-premise expected costs
- Business forecast or strategic report covering going concern / business risks / financial risks which suppliers foresee and will mitigate to underpin their plan
- Evidence of community engagement or commitment where planned deployment is predicated on securing Gigabit Voucher funding
- Calendar deployment plans with proof of adequate financing throughout the planned deployment and any other type of evidence to establish the planned investment is credible.



- Details of what stage of planning the deployment has reached (high level design, low level design, build commenced, etc)
- Evidence that planning consents have been obtained, or likely to be obtained, for the proposed deployment, or that appropriate engagement has been undertaken with relevant planning authorities regarding suppliers plans.
- Confirmation of sufficient internal or sub-contractor resources to deliver the planned deployment, including details of any associated procurement and contract awards.
- Capital Expenditure (CapEx) spend allocated for the build plans in the area, including per area allocation for multi-area builds.

Further information is included in Annex B below

7. Next Steps

Please submit responses to this Public Review by the closing date of **Monday 16th August at 5pm**. BDUK plans to publish the final maps showing a finalised Intervention Area shortly after the close of the review period.

This will be followed by the launch of the Invitation To Tender to suppliers, enabling them to bid for the opportunity to fulfil a new contract to deliver the extended coverage.



Annex A: Data Submission Format

Introduction

BDUK require certain fields of data for each pertinent UK address as identified by the Unique Property Reference Number (UPRN) in order to monitor the current and future delivery of Gigabit broadband capable services. This is done by requesting data on current and future connections from relevant suppliers. The below describes the format of the BDUK request file and how to format the data to return to us.

File formats

For a particular OMR/PR we will generate a request file with pre-populated property details for which we require information and send it to you in the format that we would like returned.

We recognise that you will likely only supply information on a subset of the premises in our request.

The technology information that we ask for against each property/premises is as follows:

Field Name	Description	Format
Current_Technology	The technology you use for supplying that particular premises, examples of this could be ADSL, FTTP, FTTC etc	General
Current_Max_Download_Speed	The maximum download speed in Mbit/s that you are able to supply to this property.	Number
Current_Max_Upload_Speed	The maximum upload speed in Mbit/s that you are able to supply to this property.	Number
Future_Technology	The technology you intend to use for supplying that particular premises, examples of this could be FTTP, FTTC etc	General
Future_Max_Download_Speed	The maximum download speed in Mbit/s that you intend to be able to supply to this property.	Number
Future_Max_Upload_Speed	The maximum upload speed in Mbit/s that you intend to be able to supply to this property.	Number
Date_of_Future_Rollout	The date that you intend to supply this property.	Date – DD/MM/YY



It is possible to only fill current details or future details or both, if you do not currently supply or intend to supply a particular property then you can either leave the fields blank or leave out the record altogether.

For our part we will supply you with a template file that will include the details of the addresses for which we are requesting information.

These address fields are as follows:

Field Name	Description	Format
strUPRN	The UPRN (see below) prepended with "STR", this is a mitigation against certain spreadsheet tools treating the UPRN as a large number and removing significant digits	Text
UPRN	The unique property reference number	Text
Single_Line_Address	Comma delimited single line address eg 1, Acacia Avenue, Anytown	General
Postcode	Standard postcode	General
Local_Authority_District	The local authority district	General
Longitude	Longitude in the decimal degree format	General
Latitude	Latitude in the decimal degree format	General



Annex B: Supporting Evidence

Please provide details and additional supporting evidence of any current or planned investment in broadband infrastructure (Next Generation Access broadband, ultrafast and gigabit-capable) in the identified geography.

In the case of planned investment, we are particularly interested in plans for the forthcoming three years. In addition to the completion of the attached supporting evidence word template, any information provided in response to this request should include but not be limited to:

- An appropriate demonstration/explanation as to how your broadband infrastructure or suppliers' service(s) meets with minimum standards where these claim to be Next Generation Access, ultrafast or gigabit.
- For information only, capability definition is consistent with the definitions set out in Ofcom Connected Nations Reports, e.g.,
 - decent (10 Mbps and above),
 - superfast (30 Mbps and above),
 - ultrafast (300 Mbps and above) and
 - gigabit-capable broadband, which can offer speeds of 1 Gbps and above.
 - *Note:* where a supplier's service offer is limited to passive services *only* (e.g. dark fibre, duct access, mast access), this would not generally be considered to be an Next Generation Access, ultrafast or gigabit-capable broadband network, unless the supplier provides a description of how an active services provider is technically and commercially able to support Next Generation Access, ultrafast or gigabit-capable services over the infrastructure.
 - Nevertheless, if a passive infrastructure supplier is offering access to infrastructure in the identified geography, it is encouraged to provide further details of its location in order that bidders for any future procurement process might consider its use in designing their solutions.
 - Within each broadband category (Next Generation Access, ultrafast or gigabit-capable) please indicate: (i) what level of take-up is expected in total; and (ii) what level of take-up can be sustained by the network design and dimensioning.
 - For example, a fixed wireless supplier may only be expecting 10% take-up of premises covered by its superfast network, and only be able to support a total of 20% of all premises passed converting to customers without significant capacity upgrades to the network.
 - Please indicate the "normally available" and "minimum" speeds for the customers of each service e.g.



Service	Download “normally available”	Download “minimum”	Upload “normally available”
100Mbps	100Mbps	40Mbps	20Mbps
330Mbps	300Mbps	120Mbps	60Mbps
1Gbps	980Mbps	330Mbps	200Mbps

Please refer to the full text of the Ofcom’s [Voluntary Code of Practice](#) for Better Broadband Speeds (March 2019), however, these definitions can be summarised as follows:

Summary Extract from the Ofcom Voluntary Code of Practice

“Normally available” speed is defined as the speed a customer could expect to receive during peak times - measured as 8-10pm for residential services and 12-2pm for business services and reflecting when customers are most likely to use the service.

“Minimum speed” is defined as the minimum guaranteed speed a customer should expect from the service, which would trigger the customers right to exit the contract if speeds fall below this minimum level and are unable to be resolved within a 30-day period.

- Appropriate indicators of quality of the service e.g., contention ratio and/or bandwidth allocation per end user, together with a technical explanation of how these will support the achievement of the normally available and minimum speeds for all users.
- A description of the technical architectures that demonstrate how the claimed data speeds and performance will be maintained end-to-end across the deployed infrastructure. This could include, for example, network connectivity diagrams, deployment/coverage maps, design/dimensioning rules for network elements, backhaul capacity information, types and quantities of equipment, technical specifications, network performance measurements etc.
- Description of all services/products offered over the infrastructure including any wholesale provision to any retail service providers currently offered and any planned extension to these services within the next 3 years. Please indicate which retail service providers are using these services and what services are being taken?
- Installation and rental tariffs for those services/products clearly identifying whether they are inclusive or exclusive of VAT.
- For future coverage and plans the broadband infrastructure provider will need to provide evidence to demonstrate credible and plausible character of the planned investment and as a minimum should include a business plan, a detailed calendar deployment plan, proof of adequate financing and proposed technical architecture (see above).
- Confirmation from an authorised signatory that all information provided is of suitable accuracy.

Please supplement the attached supporting evidence word template with other documentation as you consider appropriate (e.g. public websites, published reports, etc).



Annex C: Technology Definition

The UK will review the criteria for gigabit-capable networks within three months of the launch of the Dynamic Purchasing System, based upon the consultation with industry, and the UK regulator, around the criteria below. In the meantime BDUK will work with the following technical definition:

Infrastructure that can support gigabit-capable downstream services directly or via third-party providers without restriction, as set out below:

- a) wholesale infrastructure capable of supporting gigabit-capable downstream wholesale and retail services directly or via third-party providers without restriction, as set out below.
- b) connections that are gigabit-capable (capable of delivering 1000Mbps or more download speeds) at the time of delivery of the connection without the need for future hardware upgrades or modification¹ i.e. gigabit capability to be available from day one and if the consumer takes a slower speed it must be soft upgradeable without undue delay. At least one wholesale product with a download speed capability of at least 1Gbps and an upload speed of at least 200Mbps with busy hour performance as laid out below.
- c) products with a clear and comprehensible explanation of the minimum, normally available² and maximum advertised download and upload speeds³.
- d) low data latency in accordance with Ofcom regime or codes of practice, recent industry norms and Industry Standards for the requirements of real-time services (or otherwise, in the absence of prevailing standards 10 ms and below for ninety-five per cent (95%) of the time).
- e) supports real-time services (e.g. voice/video calling, telematics, telemedicine etc.) with performance indicators (e.g. jitter, packet loss etc.) in line with recent industry standards, norms or in the absence of industry standards, i.e. 2ms for jitter, zero point one percent (0.1%) for packet loss for ninety-five per cent (95%) of the time.
- f) actual data speeds and performance during the busiest hours of the day (not more than 4 out of every 24), that do not degrade to less than 33% of the headline download speed and an upload speed equivalent to 20% of the minimum download speed and providers' service specifications (note: for performance where lower values are better, such as latency, jitter and packet loss, then a factor of 100% above would apply instead).
- g) actual data speeds and performance that do not degrade outside of the busiest hours below 95% of the higher of the download and upload speeds set out above. In the event that such minimum download speeds are regulated by a new minimum set by the Regulator, such new minimum download speeds shall apply for the duration of this

¹ This principally applies to CPE but also backhaul/other network upgrades.

² Normally available and minimum download speeds may include the usual framing and packet overheads of the technologies used, provided that they amount to no more than a few percent of the total traffic i.e. data speed is defined as (user data traffic + overheads) / time

³ As defined by Ofcom



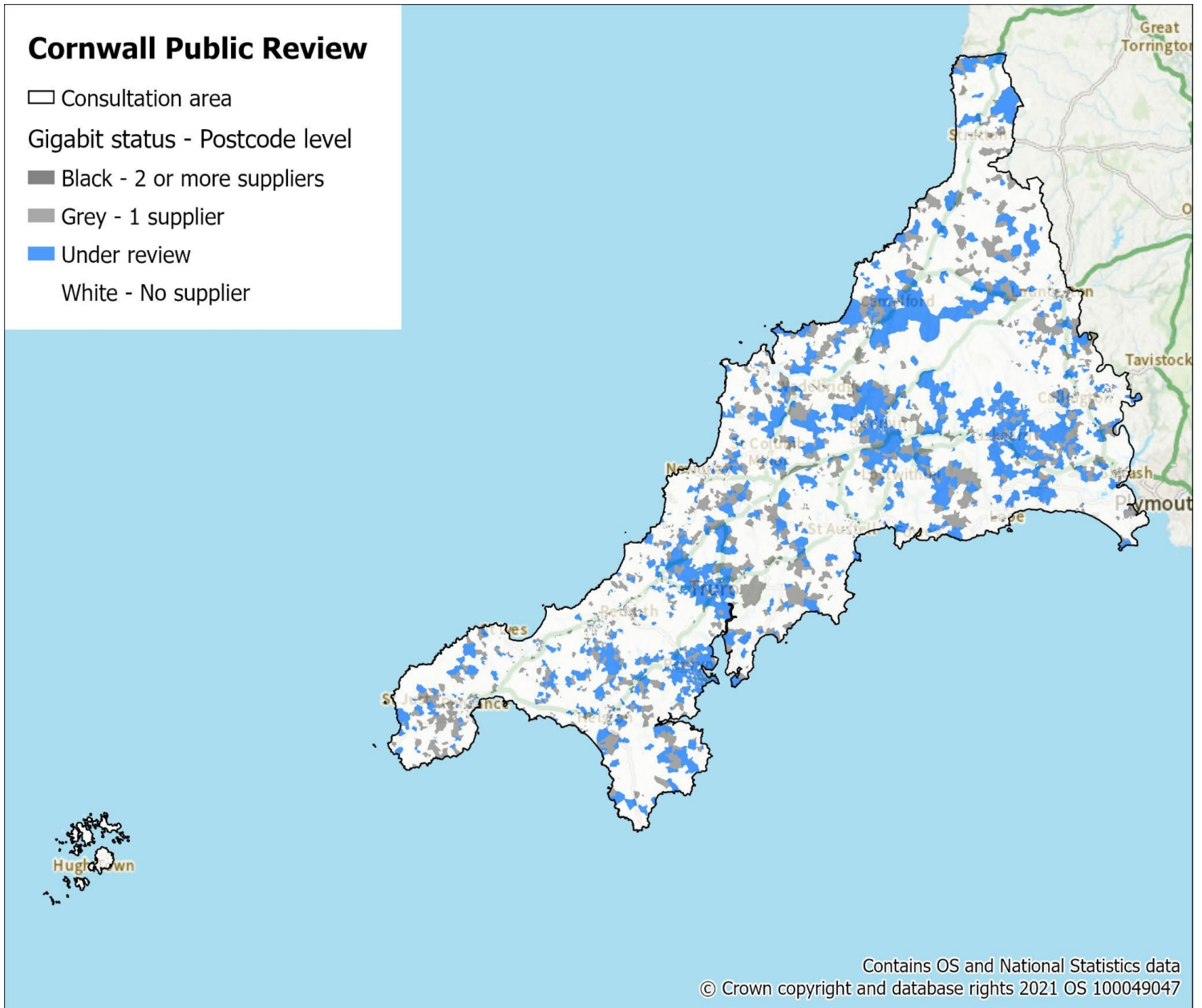
Agreement. On becoming aware of the new minimum download speeds, the Supplier shall promptly provide confirmation of such to the Authority for its written approval.

- h) actual data speeds and performance that do not degrade as take-up of services approaches 100% of the addressable market (including any part arising from switch-off of legacy networks), to be demonstrated by firm commercial and technical (including capacity upgrade) plans to be submitted at the contract bid stage and to be based upon forecasts of up to 7 years.
- i) where service offerings and performance vary by locality e.g. as a result of subscribers' distances from infrastructure, gigabit capability to be maintained for all potential customers.
- j) order fulfilment and rectification within typical industry timescales, supported by demonstrably efficient wholesale service management processes;
- k) maintenance of customer service levels and network availability in line with industry norms, ideally supported by Service Level Agreements;
- l) service provision that does not unfairly discriminate against particular types of services, providers, subscribers or third parties (e.g. via traffic shaping or Quality of Service measures).
- m) offering of wholesale access products on open and non-discriminatory terms in line with the principle of technological neutrality, to enable the interconnection to the subsidised network of any technology which other communications providers and/or retail providers may reasonably consider appropriate in accordance with the wholesale access requirements.



Annex D: Maps to show intervention areas

The map below is an image of our current draft intervention map. The postcode level data has also been published alongside this document.





Annex E: Subsidy Control

Following the UK's departure from the European Union on the 31st January 2020, the award of public subsidy needs to take account of World Trade Organisation rules and any international commitments made in free trade agreements. BDUK considers that this proposed subsidy falls under the subsidy control principles in Section 3 of the Trade and Cooperation Agreement⁴ (TCA) agreed between the European Union and UK Government on the 24th December 2020. The TCA places an obligation on both the UK and EU to have an effective system of subsidy control with independent oversight.

BDUK will ensure that it meets these subsidy principles in awarding public subsidy for gigabit-capable broadband infrastructure, for example, by ensuring subsidy is designed to target failure in the market to achieve full UK coverage while minimising negative effects on competition. Public subsidy will be targeted to limit the risks of crowding out private investment, altering commercial investment incentives and ultimately distorting competition. Projects will continue to be procured under the Public Contracts Regulations (2020), to help meet our subsidy control requirements.

Suppliers have the opportunity during the OMR and Public Review stages, to share with BDUK, any firm and credible investment plans that may mean that public subsidy will not be warranted.

Requesting a review of a subsidy award

Under UK subsidy control requirements, anyone can request for a review about the award of subsidy. Requests must be submitted no later than one month from the date of the award of the subsidy for **East and West of Cornwall and the Isles of Scilly**. The award of subsidy will follow the procurement and contract award and BDUK's National Competency Centre will consider requests submitted within the one month timescale, under the terms of the TCA.

This proposed award will be published by the Department of Business Energy Industrial Strategy (BEIS). The process for making such a request will be published here too.

Information about the UK's Subsidy Control regime may be found on our government website: <https://www.gov.uk/government/news/government-sets-out-plans-for-new-approach-to-subsidy-control>

⁴ [EU-UK Trade and Cooperation Agreement](#)