



Department for
Digital, Culture,
Media & Sport

New Build Developments:

**Consultation on delivering gigabit-capable
connections**

Government response

March 2020

The Government response to the consultation on New Build Developments: delivering gigabit-capable connections.

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Ministerial Foreword



Connectivity is the lifeblood of any modern digital economy.

It can create thriving tech scenes in rural areas, enable closer relationships for the socially isolated, and open people up to a world of inspiration and education.

So to be a truly meritocratic nation, the delivery of the Government's manifesto commitment of nationwide full fibre and gigabit capable broadband is an imperative; to create the conditions where anyone can succeed and thrive, regardless of their background or their postcode.

We have seen a great deal of progress in recent years. Since the publication of the Future Telecoms Infrastructure Review in 2018, the number of full fibre connections has doubled, with over 3 million homes and businesses now able to connect.

Meanwhile, around 95% of households can now receive superfast, and we are confident that this figure will be 97% by the end of the year.

In our recent manifesto, we made a guarantee to deliver gigabit broadband to all parts of the UK, and we recently announced five billion pounds of funding to subsidise deployment in harder to reach areas of the country.

This will be one of the largest and most ambitious infrastructure projects in a generation. So Government and network operators need to work closely together to deliver it.

As part of this work, we need to make sure that we have the right frameworks in place to encourage vital investment and remove any barriers that are in place.

That's why we published a consultation which proposed measures to ensure that new homes are built with gigabit broadband, so they can feel the benefits.

So I am delighted to confirm through this consultation response that we will be legislating to make sure new homes will have gigabit broadband as standard.

We will amend the Building Regulations 2010 to place obligations on housing developers to work with network operators to install gigabit broadband, where this can be done within a commercial cost cap.

We have also received commitments from several network operators to contribute to the costs of installing gigabit broadband in new build homes, and are in active conversations with other

network operators to secure additional such commitments

This will ensure that connectivity of new homes is prioritised by housing developers at the outset.

I want to thank everyone who responded to our consultation for sharing their experience and insight. We have taken into account all your views, and hope you agree that this policy balances the interests of housing developers, network operators and homeowners.

This represents a vital step in offering the fast, reliable and future proof connections that will power this nation's future success.

Matt Warman, Minister for Digital Infrastructure

1. Introduction

Delivering gigabit broadband

- 1.1. Delivering gigabit broadband to new homes is part of a suite of measures to achieve nationwide rollout of world-class broadband as soon as possible. Government has pledged £5billion to roll out gigabit broadband to the hardest to reach parts of the country and, through the Telecommunications Infrastructure (Leasehold Property) Bill, is legislating to make it easier for network operators to install broadband infrastructure in blocks of flats.
- 1.2. The nationwide availability of gigabit broadband will enable consumers and businesses to reap the huge benefits of the fastest and most resilient internet connections:
 - For the public, it is an indispensable tool of modern life, from accessing public services online, shopping for bargains and accessing new online consumer services. It will make local communities better places to live, to invest, to set up a business and retain talented young people. It will create more opportunities in rural areas.
 - For the economy, it will support increased productivity and new business opportunities. For the UK to remain competitive and harness the economic power of digital technology and enterprise, it must encourage a nationwide deployment of gigabit capable networks.
- 1.3. As the UK deploys new networks, there is a real opportunity for gigabit-capable infrastructure to be deployed to new homes from the outset (instead of retrospectively with the associated high civil works costs). Ensuring that all new homes are built with gigabit-capable connections would be a significant step towards delivering world-class digital infrastructure to the UK.
- 1.4. The Government's Future Telecoms Infrastructure Review identified introducing regulations governing new build connectivity as key to giving greater certainty to industry and lowering the cost of building networks, enabling the market to deploy gigabit-capable connections as fast and as far as possible. This will also remove any risk of a digital divide, where many homes are built without gigabit broadband.

The consultation

- 1.5. The consultation '*New Build Developments: delivering gigabit-capable connections*' outlined Government's proposals to mandate gigabit-capable connections in all

new build developments. The consultation opened on 29 October 2018 and closed on 21 December 2018.

Terminology

- 1.6. This policy aims to ensure that new build developments receive gigabit broadband. This is delivered by gigabit-capable connections that can provide speeds of over 1000 megabits per second (Mbps). Gigabit-capable connections are often, but not always, delivered by full fibre connections and can also be delivered via technologies such as cable (DOCSIS 3.1) and fixed wireless access. The policy is technology neutral and does not prescribe the type of technology that must be used, provided that it can provide speeds of over 1000 Mbps.

Scope of this policy

- 1.7. This policy applies to new builds, that is, the construction of a self-contained building or part of a building to be used as a new residential dwelling, including conversions and self-built homes. It does not include renovated buildings currently used as residential dwellings, or any school, hotel, prison or equivalent building used for accommodation where these are newly constructed.

New build connectivity: state of the market

- 1.8. The market, spurred by the Government's policy intention, has driven significant improvements in new build connectivity in recent years. In 2019, 81.4% of new build premises had access to a full fibre connection¹, increasing from 72.1% in 2018. By comparison, in 2017 just 45.4% of new premises had a full fibre connection². However, consultation responses demonstrated that a market failure persists that is preventing the last 20% of new builds receiving gigabit broadband.
- 1.9. This last 20% are mostly, but not solely, located in developments of under 30 premises. These smaller developments often require expansion of the core network (also sometimes referred to as the spine) to be installed at significant expense to network operators. Combined with the lesser revenue opportunities offered by smaller developments, this makes smaller sites a more expensive proposition for network operators than larger sites.
- 1.10. Consultation responses also made clear that housing developers frequently do not prioritise the installation of high quality digital infrastructure. Many developers choose to install fibre to the cabinet (FTTC) as standard, taking advantage of the

¹ For added context, the Ministry of Housing, Communities and Local Government reported that 203,900 new build dwellings were completed in the year to March 2019 and 192,350 completed in the year to March 2018. The Government has ambitions to build 300,000 new homes per annum.

² This is taken from ThinkBroadband's latest postcode release data.

obligation on Openreach and KCOM to provide copper voice lines to all premises for free through the Universal Service Obligation (USO) for voice services. Consultation responses also suggested that a lack of timely engagement by housing developers could lead to network operators being invited to lay gigabit-capable connections in too short a timeframe, leading to increased costs for the network operators or no gigabit-capable connections at all. Evidence from stakeholders suggest these issues are found with housing developers of all sizes but are more prevalent in small and medium sized developers.

- 1.11. It is therefore clear that Government intervention is required to overcome these barriers and ensure every new build home has access to the fastest possible speeds and can reap the benefits.

Consultation proposals

- 1.12. The consultation proposed:
- Amending Part R of the Building Regulations 2010 to ensure all new build homes are built with gigabit-capable infrastructure.
 - Obliging developers to engage with network operators and to pay for and deliver the physical infrastructure that supports gigabit-capable connections.
 - That if commercial terms between developers and network operators cannot be agreed, legislation would allow developers to impose a 'duty to connect' provision upon network operators to connect the development to the backhaul network, with network operators contributing to connection costs up to an operator cost cap.
 - That if the operator cap is exceeded, developers will contribute to the connection costs up to a developer cost cap.
- 1.13. The policy was designed to provide a 'backstop' in those circumstances where commercial arrangements do not deliver the policy objective of gigabit broadband in new builds, and to provide a clear process to assist developers with installing gigabit-capable connections.
- 1.14. The consultation questions are at **Annex A**.
- 1.15. Government published an Impact Assessment³ at consultation. This will be reviewed, updated and made public in advance of making amendments to legislation.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752146/New_Build_Developments_Impact_Assessment_FINAL.pdf

The consultation response

- 1.16. Government responds to comments received in response to the consultation in Chapter 3. A number of clarifications and improvements have been made to the policy, taking into account both the evidence that the new build connectivity market is steadily improving and consultation responses.
- 1.17. In summary, the finalised policy falls into two parts. The first is to use existing powers in the Building Act 1984 to amend the Building Regulations 2010 to mandate that:
- Developers ensure new homes have gigabit broadband. This includes ensuring that the physical infrastructure necessary for gigabit-capable connections is provided on site for all new build developments and that the home is connected by an operator to a gigabit-capable connection.
 - The requirement on the developer to provide a gigabit-capable connection exists unless the cost to the developer of providing connectivity exceeds £2,000, or the operator declines to provide a connection.
 - Developers must seek a second quote from network operators, where the first quote suggests that gigabit-capable broadband cannot be installed within the cost cap.
 - If gigabit broadband exceeds the cost cap, the developer must provide connectivity to other technologies which can provide at least superfast connection⁴ within the same cost cap, unless the operator declines to provide a connection.
- 1.18. As the second part of this policy, Government is looking to secure commitments from network operators to contribute to the costs of connecting new builds. We have been in active conversations with a number of network operators on this topic and have already secured commitments from Openreach and Virgin Media. Virgin Media will contribute at least £500, rising in the case of some larger sites to £1000. Openreach have also committed to a combined Openreach and Developer Contribution of £3,400, with a maximum developer contribution of £2000.
- 1.19. The finalised policy is explained in further detail in Chapter 3.

Application

- 1.20. Building regulations are a devolved matter. Therefore, the legislative amendments to the Building Regulations 2010 will apply to England only. However, the provision of gigabit-capable connections to new homes is a priority for the Government across the whole of the UK. We will therefore work closely with and the Devolved Administrations to ensure this policy is implemented in a consistent manner across the UK.

⁴ that is a connection with speeds of at least 24 Mbps

Next steps following publication of the response

- 1.21. Following the publication of this response, Government will:
- Amend the Building Regulations 2010 to require all new build developments to have the physical infrastructure to support gigabit-capable connections.
 - Amend the Building Regulations 2010 to create a requirement on housing developers to work with network operators so that gigabit broadband is installed in new build developments, up to a cost cap.
 - Publish supporting statutory guidance (Approved Documents) as soon as possible.
 - Continue to work with network operators to ensure they are connecting as many new build developments as possible and at the lowest possible price.
 - Work with housing developers and their representative bodies to raise awareness of these new requirements.

2. Summary of the finalised process for mandating gigabit-capable connections in new build developments

Legislation

- 2.1. Government will use powers in the Building Act 1984 amend the Building Regulations 2010 to mandate the following:
- A. That housing developers ensure new build homes have gigabit-capable connections, through the installation by the housing developer, within the curtilage of the property (or the development), of both:
 - i. The physical infrastructure necessary for gigabit-capable connections (consisting of on-site ducts, chambers and termination points); and
 - ii. Subject to the cost cap, a gigabit-capable connection (i.e. an optical fibre or other cabling or wiring that will provide gigabit broadband if such a service is provided by an Internet Service Provider)
 - B. That housing developers are obliged to provide a gigabit-capable connection unless the cost to the housing developer of providing connectivity exceeds £2,000 per connection, or the network operator declines to provide a connection.
 - C. That housing developers must seek a second quote from a second network operator, where the first quote suggests that a gigabit-capable connection cannot be installed within the cost cap.
 - D. Where two quotes indicate that a gigabit-capable connection cannot be installed below a cost of £2,000, or where the operator has refused to install a connection, the housing developer must install the cabling, wiring or other infrastructure that provides the next fastest broadband connection which can be installed below a cost of £2,000 (the 'next best alternative' principle).
 - E. That the requirement on the housing developer to install the physical infrastructure necessary for gigabit-capable connections exists even where a gigabit-capable connection exceeds the cost cap for the reasons set out in paragraph 3.32.
 - F. Where full plans are deposited, the Building Regulations 2010 will require inclusion of a 'connectivity plan' which confirms either that gigabit-capable

broadband will be installed or an exemption applies (for example, where a network operator declines to provide a connection). If an exemption applies, the connectivity plan must confirm that at least superfast broadband will be installed instead, or confirm that an exemption applies to that also. Full plans may be rejected, at the discretion of the Local Authority, if the connectivity plan shows noncompliance.

G. Where a building notice is submitted, all the requirements outlined above, other than the submission of a connectivity plan, remain.

2.2. These obligations will be enforced through the existing Building Regulations enforcement regime.

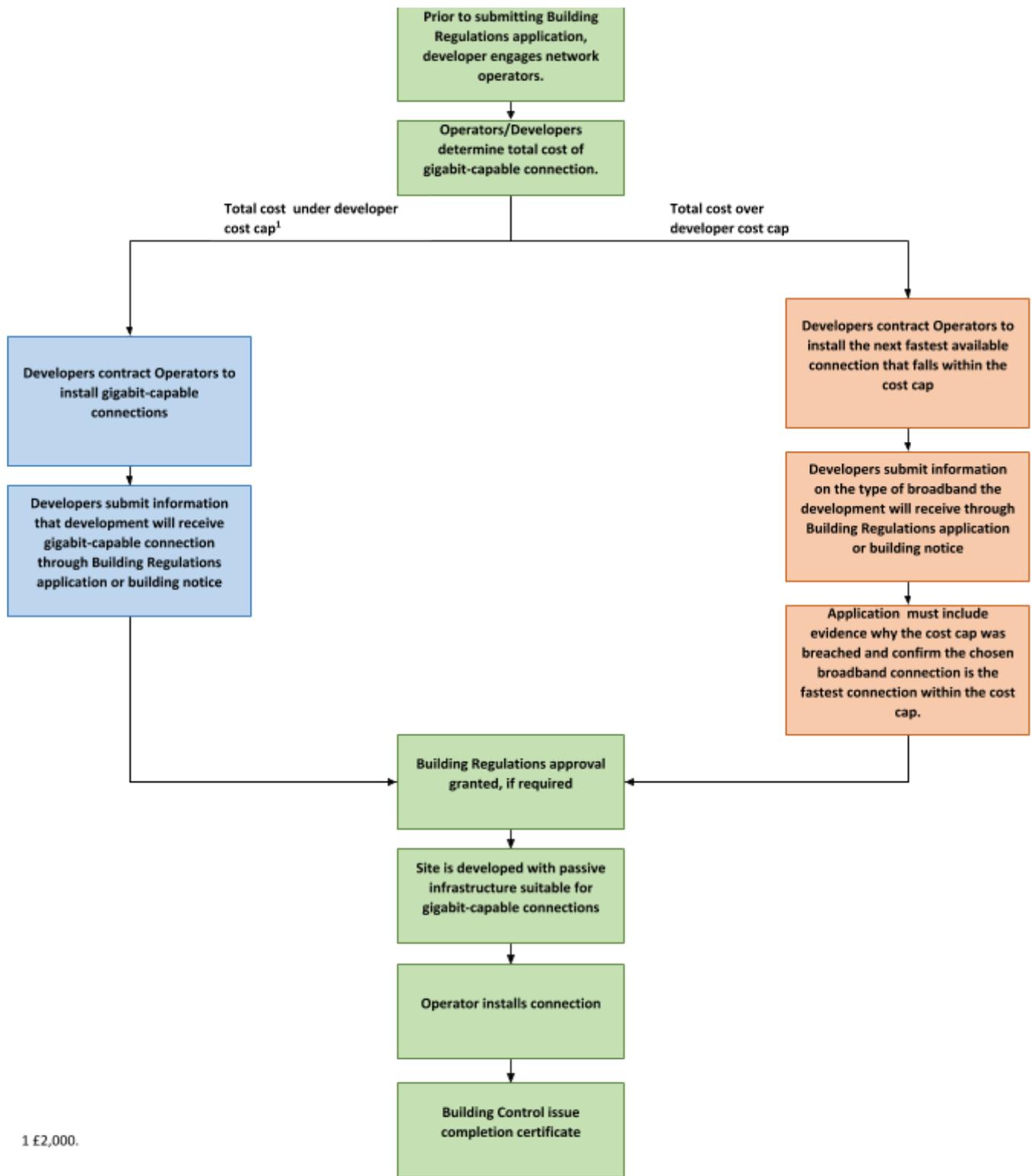
Operator Commitments

2.3. These statutory obligations will sit alongside the commitments Government is looking to secure from network operators to contribute to the costs of connecting new builds. We have been in active conversations with a number of network operators on this topic and have already secured commitments from Openreach and Virgin Media. These commitments include:

- A. A commitment to contribute to the costs of connection. Virgin Media has committed to contributing at least £500, rising in the case of some larger sites to £1,000. Openreach have also committed to a combined Openreach and Developer Contribution of £3,400, with a maximum developer contribution of £2,000.
- B. That when new build homes cannot be provided with a gigabit-capable connection within this cost cap they will be connected to the next best technology that can be provided within the cap.
- C. Following consultation with Government, Openreach has published a new price structure that reduces the costs developers pay for connecting two premise developments from £3,100 to £2,000, bringing all developments of two premises or more within our proposed cost cap.
- D. Openreach have also committed to connect all new build developments over 20 premises, reducing this from their current offer of 30 premises.

2.4. We have had initial discussions on similar commitments with smaller network operators and will seek to formalise more commitments in advance of this legislation coming into force. These are explained in full at paragraphs 3.43-3.59.

Flowchart: The finalised process for delivering gigabit-capable connections to new build developments



¹ £2,000.

3. Government response to consultation comments

Summary of consultation responses

- 3.1. Government received 55 responses received from members of the public, local authorities, housing developers and their trade associations, fixed network operators, mobile network operators and stakeholder groups. We are grateful to all those who took the time to respond to the consultation.
- 3.2. Consultation responses were broadly positive, supporting the overall aims of the policy, the proposal to legislate and to amend the Building Regulations 2010. The majority of the comments received focused on the proposed new process for mandating gigabit-capable connections. There were also a number of comments received on the proposed cost cap and how the cost, administration and administrative burdens should be split between network operators and housing developers. Government also received a number of helpful responses on how the engagement between network operators and developers could be facilitated and how compliance would be monitored. Respondents also suggested additional means to compel gigabit-connectivity in new builds, with a particular focus on planning.
- 3.3. Other issues raised included open access networks, potential impacts on SME developers and how to ensure consumers receive fast connections where a gigabit-capable connection falls outside the cost cap. Respondents also highlighted the need for developments of any size and in any region to be captured by the policy.
- 3.4. All comments received were carefully considered and have resulted in a number of useful clarifications and improvements to the policy. The principal changes are placing the developer obligations in the Building Regulations 2010 (paragraphs 3.28-3.40) and to seek commitments from the network operators (paragraphs 3.43-3.49). Both of these changes allow us to implement the policy in a more cost-effective and proportionate way. Implementing the policy through the Building Regulations 2010 also ensures that developers are easily able to comply with these obligations at the same time as they fulfill other building regulation requirements and provides an established enforcement regime to maximise compliance.
- 3.5. Most of the responses linked their answers as part of a response to the wider policy. This document therefore responds in the same manner and reflects the themes raised rather than addressing each question individually.

Current state of the new build connectivity market

Summary of consultation responses on the current state of the new build connectivity market

- 3.6. The Government received a substantial amount of feedback on the current state of the new build connectivity market. The responses highlighted the strong improvements made in new build connectivity, with many noting that gigabit broadband is being installed as standard in the vast majority of new build homes. Many commenters agreed that market competition to serve the increasing consumer demand for fibre internet is driving housing developers and network operators to install gigabit broadband as standard. Respondents confirmed that gigabit broadband is more common in large housing developments.
- 3.7. Several respondents highlighted the work of Local Authorities in promoting gigabit broadband in their areas through local plans and planning guidelines, as recommended in the National Planning Policy Framework. A respondent cited Ashford Planning Authority's local plan that requires all developments over 10 premises to be built with gigabit-capable connections.
- 3.8. There was extensive evidence provided that the greatest challenge when installing gigabit broadband is in relation to smaller housing developments. There were several reasons cited for this. It was argued that smaller developments, particularly in rural areas, often face higher area-specific costs of gigabit broadband installations which outweigh the commercial advantages of provision. Installing gigabit broadband on smaller or more remote sites will in many cases require expansion of the core network (also referred to as the spine) to be installed at significant expense to network operators. It was noted that often the smaller the site, the higher the costs.
- 3.9. We heard evidence that barriers remain to every new build development receiving gigabit broadband. Multiple respondents commented that housing developers frequently do not prioritise high quality digital infrastructure. A common issue raised in relation to this was a lack of timely engagement by housing developers. Network operators often do not receive sufficient notice of build plans, often leading to network operators either being invited to install connections in a short timeframe or not having sufficient notice to lay gigabit broadband at all. It was additionally noted that developers can be unwilling to engage with network operators when construction has started on their sites and do not accommodate for retro-fitting or infrastructure upgrades.
- 3.10. It was also reported that some developers continue opt for FTTC as standard, declining to install gigabit broadband to take advantage of the obligation on Openreach and KCOM to provide copper voice lines to all premises for free. Several

examples were cited of developers choosing copper connections, despite the availability of gigabit broadband. We heard of a small number of incidences of developers driving installation charges above market rates with requests for network operators to use specific sub-contractors or charging for the installation of ducts and chambers. Even when approached by network operators to install gigabit-capable connections, we were told that there are developers who are unwilling to pay even minimal additional costs to ensure the developments are installed with gigabit-capable connections. It was noted that the continued installation of copper was also in part due to the fact that many large plots can take many years to move to the construction phase and these will previously have contracted for FTTC connections.

- 3.11. Respondents agreed that installing gigabit broadband in new build homes presents network operators with a number of challenges. They highlighted the significant time lag between the initial scoping of sites to completion and potential changes being imposed by developers or local planning authorities. These issues can require a significant time and resource commitment from network operators before revenue is generated. Other respondents stated that in the majority of cases developers provide the necessary infrastructure for new developments to facilitate the delivery of gigabit broadband and that installing the actual connections is exclusively within the hands of the network operators.
- 3.12. There were several concerns raised about the prevalence of exclusivity agreements, where either integrated utility providers or network operators contract to connect the development at an advantageous rate in exchange. It was argued that this limits consumer choice and in worst case scenarios can leave consumers with a substandard connection. Several consumer issues were raised, with several commenters suggesting that currently the majority of consumers will opt for superfast speeds. It was also noted that when purchasing a new build property, consumers are not always provided with information that enables them to assess the level of connectivity they will receive.

Government Response

- 3.13. Government notes the feedback on the increasing numbers of new build developments receiving gigabit-capable connections. Although we are clear this policy is an important and necessary intervention, Government agrees the market has driven significant improvements in new build connectivity in recent years. In 2019, 83.3% of new build premises had access to a full fibre connection⁵, increasing from 72.1% in 2018. By comparison, in 2017 45.4% of new premises had a full fibre connection⁶.

⁵ For added context, MHCLG reported that 169,770 new build dwellings were completed in the year to March 2019 and 160,560 completed in the year to March 2018. The Government has ambitions to build 300,00 new homes per annum.

⁶ This is taken from ThinkBroadband's latest postcode release data.

- 3.14. Government is committed to delivering nationwide coverage of world class broadband as soon as possible. Through the implementation of the recommendations in the Future Telecoms Infrastructure Review, significant progress has already been made by Government, working with the telecoms industry, to support network rollout. We will continue to take action to remove barriers to rollout and ensure that those in the hardest to reach areas are not left behind.
- 3.15. Therefore, given that barriers remain to every new build development receiving gigabit broadband, Government continues to believe that this policy is necessary, albeit modified to take account of the feedback we have received on where the market failures exist in this area.
- 3.16. Government agrees that new build connectivity is best in large scale housing developments and is pleased to note the strong progress in gigabit broadband in those developments. It is clear that smaller housing developments present the greater challenge for this policy. We consider this to be due to a number of factors. As highlighted by consultation responses, smaller developments (particularly those in rural areas) will often require the expansion of the core network at significant expense to network operators. Combined with the lesser revenue opportunities small developments offer developers and network operators, they are often a significantly more expensive proposition than larger sites.
- 3.17. Small sites are therefore a key consideration when designing the final policy. Amending the Building Regulations will ensure the commercial feasibility of installing gigabit broadband in new builds must be considered and that all new homes that fall within the cost cap will receive gigabit broadband. The amended Building Regulations will also ensure that when developments fall outside the cost cap, developers and network operators must work together to install the next fastest connection that falls within the cost cap.
- 3.18. Government fully agrees that early and effective engagement by developers with network operators is key and have designed the policy with that in mind. The lack of timely engagement by smaller developers with network operators has a particularly significant impact on smaller housing developments. Early engagement is critical to mitigating the expense and additional network capacity issues identified above. There are several operator initiatives to tackle this. Many network operators will connect large sites for free. For developments under 30 premises, Openreach has a 'rate card' - a scaled pricing structure which outlines the costs to developers to assist with their new build connectivity roll out, which can be as little as £17 per premise. From 1 April 2020, Openreach will adopt a new rate card that offers free fibre to the premises (FTTP) for developments of 20 premises and over. However, in order for new build connectivity to improve in small developments, it is crucial that the developers are engaging with network operators as early as possible in the build process to mitigate any potential extra costs. Government

additionally agrees with responses demonstrating network operators have greater commercial pressures to install gigabit broadband.

- 3.19. Regarding the issue of housing developers installing FTTC as it is easier and cheaper, Government appreciates the commercial pressures faced by housing developers but our evidence demonstrates that a combination of the competition in the market and the cost cap will ensure that gigabit-capable connections remain commercially viable for the vast majority of premises. The commitments we have received from network operators will also ensure that they will connect the maximum amount of premises for the lowest rate. Additionally our evidence shows that for larger developments, the cost difference between installing FTTC or FTTP is either minimal or non-existent.
- 3.20. Government notes the point on housing developers' policies incurring additional costs for network operators. The cost cap will ensure that neither network operators nor developers have to pay above commercial rates to install gigabit broadband.
- 3.21. Government appreciates the time lag between conception and completion of developments can present challenges for both network operators and developers. We believe that this process, requiring as it does early engagement and a clear connectivity plan put in place at an early stage, should allow certainty for network operators and ensure that there is clear communication between all parties.
- 3.22. Government responds to comments raised on exclusivity agreements and competition at paragraphs 3.76-3.78.
- 3.23. Regarding consumer take up of gigabit speeds, Government is clear this policy is about making sure that all new build homes are future proofed and that all consumers have the choice to take advantage of the benefits offered by a gigabit-capable connection.

Obligations on housing developers

Summary of consultation responses received on the proposal to place legislative obligations on housing developers

- 3.24. There was broad agreement with the proposal to place legislative obligations on housing developers. Respondents stated that housing developers should have responsibility for ensuring gigabit broadband in new build developments, including installing the physical infrastructure. Responses differed on how this responsibility should be divided between developers and network operators. It was agreed that it is cheapest and most practical for this infrastructure to be deployed at the time of site build, to avoid the need for any additional building or street works.
- 3.25. Respondents agreed that developers engaging promptly with network operators is key. It was noted that developers should be encouraged to engage with more than one network operator to ensure they install the fastest available connection. There was some

suggestion that developers should be obliged to contact an open access infrastructure provider. The engagement of three network operators was suggested to mitigate the risk of developers only approaching the two largest incumbents. One issue raised was how this element of the policy would be implemented in areas (most likely rural) where only one network operator is active.

- 3.26. Respondents expressed support for the proposal to amend the Building Regulations 2010 to ensure all homes are built with the physical infrastructure to support gigabit-capable connections. It was also suggested that the gigabit-capable connection itself should be mandated through the Building Regulations. It was suggested that placing all the developer obligations in the Building Regulations would reduce the burden on developers by linking this with their existing obligations and mirrors steps they must already take when installing the utilities. There were some comments that additional resources will be required for Local Authority Building Control teams. The amended Building Regulations should include the installation of Universal Communication Chambers and two ducts to allow network operators to minimise the costs and disruptions of any future expansion of the network.
- 3.27. There was broad support for the submission of a connectivity plan to evidence that new homes will be installed with gigabit broadband or the next best alternative. However, respondents questioned whether, if a connectivity plan was not connected to an existing function, Local Authorities could reject a connectivity plan, the consequences of non-compliance and whether Local Authorities would be able to take suitable enforcement measures. There was some concern that the connectivity plan would increase complexity and costs for developers and Local Authorities.

Government response

- 3.28. Government notes the support for placing a legislative obligation on housing developers to ensure the installation of gigabit broadband in new builds. Government agrees that proportionate measures on housing developers are key to this policy.
- 3.29. Government agrees there are clear benefits to placing a requirement to install gigabit-capable connections in the Building Regulations 2010. It provides a clear and simple process for developers to comply with in the same way they fulfil their other requirements under the Building Regulations. It limits the administrative burden on developers to a minimum and gives a clear point in time for submission of evidence. It also provides a ready made enforcement regime that provides proportionate levers to ensure compliance by developers and so incurs significantly less cost than the proposal suggested at consultation. The technical standards that accompany the updated Building Regulations will also ensure that there is a clear framework in which to operate when installing broadband.
- 3.30. Additionally, it is clear from consultation responses that there is no existing function in

Local Authorities to conduct the process proposed in the consultation. Establishing an entirely new function for Local Authorities would create a significant, additional administrative burden for housing developers to comply with a new regime outside of building standards and planning law. The costs to Government of properly funding such a function would also be significant.

- 3.31. Government will therefore legislate to amend the Building Regulations 2010 to ensure developers have to work with network operators to install gigabit broadband in new build homes. The full policy is outlined at paragraph 2.1.
- 3.32. Physical infrastructure refers to the ducts, chambers, and termination points that are required to be in place to support gigabit-capable connections to the new build home. This requirement is intended to ensure that new build developments are built with the right ducts, chambers and termination points to support gigabit-capable connections. The obligation to install the correct physical infrastructure necessary to support gigabit-capable connections exists in all circumstances, even where a gigabit-capable connection falls outside of the cost cap. This means that when a gigabit-capable connection falls outside the cost cap at the point of construction, new build homes will still be built with the right infrastructure to support a gigabit-capable connection in the future.
- 3.33. We also agree that that new homes should support gigabit-capable connections from more than one network operator. We intend that the amended Building Regulations guarantee that all new build developments are equipped with the physical infrastructure that can support gigabit-capable connections from more than one network operator.
- 3.34. This policy has been designed to both complement the existing commercial arrangements between many network operators and developers and provide a framework for situations where a developer currently does not install gigabit broadband. The policy will act as a regulatory back stop, ensuring that new homes are built with modern connections fit for a digital society. Where commercial arrangements cannot be reached, this policy provides developers with a clear framework for installation of networks, ensuring that they consider broadband at the earliest opportunity. It also provides important certainty on the costs of installation.
- 3.35. The cost cap is dealt with in full below but developers already contribute to the costs of deploying traditional utilities to sites and many developers currently contribute to the cost of gigabit broadband through the Openreach rate card, as well as through working with other network operators. It is fair that both developers and network operators contribute to the cost of delivering high quality connections to new homes.
- 3.36. It should be emphasised that Government does not believe that developers alone have responsibility for the installation of gigabit-capable connections. It is imperative that network operators work closely with developers to achieve this and contribute to the

costs of installations. We have received commitments to this effect from network operators (paragraph 3.45) and will review this policy on a regular basis, to ensure network operators continue to comply with their commitments.

- 3.37. Where full plans are submitted to a Local Authority for a development, the Building Regulations will require a 'connectivity plan' which either confirms that gigabit-capable broadband is being installed or an exemption applies (for example, where an operator declines to provide a connection). If an exemption applies, the connectivity plan must confirm that at least superfast broadband is being installed instead, or confirm that an exemption applies to that also. Full plans may be rejected, at the discretion of the Local Authority, if the connectivity plan shows noncompliance. This ensures the process is as simple as possible for developers, mirroring as it does the process to evidence compliance with other Building Regulations and does not require an additional function within Local Authorities to be established.
- 3.38. Several respondents commented on the proposals focusing on developer engagement with network operators. Government is clear the policy is designed to continue to allow a choice of network network operators. Government agrees that as best practice developers should be engaging with more than one network operator to ensure they install the fastest available connection falling within the cost cap. The amended Building Regulations will require that where a quote from one network operator suggests gigabit broadband will exceed the cost cap, a second quote for gigabit broadband must be obtained from one other network operator, ensuring that every effort is made to install gigabit broadband without introducing a significant amount of extra administration for both developers and network operators. Where gigabit broadband is not installed, developers will need to seek an additional quote for gigabit broadband from at least one alternative provider through the connectivity plan.
- 3.39. We recognise that building regulations are devolved and we will continue to work with the Devolved Administrations to explore possible legislative options that would bring this policy to the whole of the UK in a timely and consistent manner.
- 3.40. These obligations will be enforced using the existing Building Regulations enforcement regime. Local Authority Building Control teams can take a range of enforcement actions, such as enforcement notices to require retrofit and not issuing a completion certificate (which can cause issues when selling a property). Building Control teams have discretion as to which enforcement method they choose to employ.

Obligation on network operators

Summary of consultation responses received on the proposal to place a legislative obligation on network operators

- 3.41. Many respondents agreed that, while the onus for ensuring new homes are built with

gigabit broadband rests with developers, network operators play a critical role. Comments highlighted the need for network operators to work with developers, providing sufficient information on installation and related costs to ensure developers can easily contract with network operators. There was widespread agreement that network operators should contribute to the costs of connections.

- 3.42. Respondents also highlighted the strong commercial imperative on network operators to install fibre, noting the favourable pricing structure offered by many network operators to developers of new build homes.

Government response

- 3.43. Government does not believe that developers alone have responsibility for the installation of gigabit-capable connections. It is imperative that network operators work closely with developers to achieve this and contribute to the costs of installations. However, it is clear from consultation responses that a large part of the market failure in new build connectivity is due to housing developers failing to prioritise the installation of the high quality and future-proofed digital infrastructure. The strong commercial pressures on network operators mean they are generally keen to install fibre connections in most new build developments.
- 3.44. Virgin Media and Openreach, who between them cover c.96% of the wholesale broadband market (based on number of subscribers), have made significant commercial investments in gigabit broadband and have publicly committed to significant expansions of their networks. Openreach has a stated ambition to install FTTP in 15 million homes by 2025. They install FTTP for free in developments of 30 premises and over, with a rate card for developments under 30 units, which outlines the costs to developers to assist with their new build connectivity roll out. Openreach have improved this offer from April 2020, as outlined in paragraph 3.18. Virgin Media announced in July 2019 plans to upgrade its cable network to provide gigabit speeds to 15 million homes across the UK by 2021.
- 3.45. Government therefore considers that legislating to place obligations on network operators, as proposed in the consultation, is not necessary to secure the desired outcome. Government is instead working to secure commitments from network operators to contribute to the costs of connecting new builds. We have been in active conversations with a number of network operators on this topic and have already secured commitments from Openreach and Virgin Media. This is not to say that network operators do not have a key role in this area or that Government will not hold them to account to ensure that they deliver gigabit-capable connections in line with their public commitments.
- 3.46. The commitments from Openreach and Virgin Media make clear:
- i. Openreach and Virgin Media will contribute to the costs of connection. Virgin Media will contribute at least £500, rising in the case of some larger

sites to £1,000. Openreach have also committed to a combined Openreach and Developer Contribution of £3,400, with a maximum developer contribution of £2,000.

- ii. Openreach and Virgin Media will work with developers to ensure premises which cannot be provided with a gigabit-capable connection within this overall cost envelope would be connected with the next best technology that could be provided for that cost.
- iii. Following consultation with Government, Openreach has recently published a new rate card that reduces the rate of the two premises from £3,100 to £2,000, bringing all developments of two premises or more within the cost cap.
- iv. Network operators have also agreed to work with Government to monitor the effectiveness of these agreements

3.47. These commitments capture the majority of the consultation's proposals in relation to network operators, particularly the proposals that network operators should contribute to the costs of connections.

3.48. Negotiated commitments will allow us to review the operator element of the policy on a regular basis, with the flexibility to make changes in response to changing market conditions. Government will work closely with the network network operators to monitor their compliance with these commitments and will review their content, including the cost cap, on a regular basis. If network operators do not adhere to their commitments we will consider additional interventions, to ensure both that all new builds receive gigabit-capable connections and that housing developers are not disproportionately burdened.

3.49. We have had initial discussions on similar commitments with smaller network operators and will seek to formalise more commitments in advance of this legislation coming into force.

3.50. The Common Regulatory Framework for telecoms, specifically the Authorisation Directive and the domestic legislation that implements it, sets out that the provision of telecoms services may only be subject to a general authorisation. That is, there are constraints on the ability to impose legal obligations on network operators outside of the general authorisation. There are a limited number of exceptions, for example under the Universal Service Directive, however none of these are applicable to this policy. The commitments that we have been negotiating with network operators do not constitute legal obligations and are therefore in line with the Common Regulatory Framework.

Introduction of a cost cap

Summary of consultation responses received on the introduction of a cost cap

- 3.51. There was broad support for the proposal of a cost cap split between developers and network operators. Of the responses submitted on the network operator cost cap, respondents suggested around £500 was the average contribution for network operators but that in some cases, particularly in remote areas, this could be much higher. Many respondents agreed that the developer cost cap should be larger, citing their increased ability to pass on costs compared to network operators.
- 3.52. There was some call for clarification on the scope of the cap and whether this covers physical infrastructure as well as the gigabit-capable connection. There were also requests for further information on the percentage of developments which could breach the cost cap. A small number of respondents stated that the high costs associated with installing gigabit-capable connections in smaller developments or developments a significant distance from an existing fibre spine could lead to the cost cap being exceeded and homes falling out of the scope of this policy. This was raised particularly in the context of remote and rural areas, but more generally for any developments where the cost of deployment would fall outside the cost cap. There was one suggestion that Government should fund installations that fall outside the cost cap.
- 3.53. Respondents also asked how these cost caps relate to the USO and its cost cap of £3,400.

Government response

- 3.54. Government is grateful for the comments received on this topic. We note that many respondents supported the principle of a cost cap, with costs divided between developers and network operators. We continue to believe that this is the fairest way to mandate gigabit broadband in new build developments.
- 3.55. We will legislate to ensure that when operator contributions exceed the costs outlined in their agreements with Government, developers must contribute to the costs of connections up to a cost cap. Government's view, underlined by responses to the consultation, is that this is a fair way to split the cost and is in line with the installation of other utilities. Combined with consultation responses and current market practices, such as the Openreach rate card, our current evidence suggests that the developer cost cap should be initially set at £2,000.
- 3.56. This figure of £2,000 will be included in the amended Building Regulations 2010 and will be reviewed on a regular basis, where Government will ensure it is reflective of the latest market conditions. We will also review the figure if network operators do not comply with their commitments to Government.

- 3.57. These cost caps will guarantee almost all new premises will receive gigabit broadband. With an assumed operator contribution of between £500-£1400 this policy will ensure that, currently, gigabit-capable connections will be deployed in all new build developments in the UK, other than 4% of developments under 20 premises⁷, that is 99% of total new build developments. Further detail is provided at paragraph 3.68.
- 3.58. When considering network operator contributions, Government's view is that operator commercial investment is better expressed as a range. This is based on consultation responses and Government analysis of the evidence of network operators' commercial drivers and related costs. These include expected demand for broadband, the wholesale and retail price of broadband packages, ongoing operating costs of maintaining the connection and desired level of return on investment. Consequently, the amount of network operator costs can vary significantly by region and over time. By contrast, housing developers' commercial drivers are based on more static factors, primarily house prices and installation costs.
- 3.59. Government has secured commitments from the largest network operators to contribute the first £500-£1,400 to the cost of installing gigabit broadband in new homes. Based on Government analysis and market evidence, we are clear this is a commercially viable and reasonable range, that reflects the impact of the factors outlined above. This will be covered in detail in the final Impact Assessment published alongside the legislation.
- 3.60. Respondents requested further detail on the application of the cost cap. The cost to the housing developer of providing a gigabit-capable connection is determined by the quote provided by network operators. This will usually cover the provision of both the physical infrastructure and connection to the fibre network and any other work needed to install a connection. Broadly, we expect this to include whatever is needed to ensure the new build development is supplied with gigabit-capable connections, including labour and materials (whether the labour and material are provided by the housing developer themselves or the housing developer contracts a network operator to provide them). The exact scope of the cost cap will be defined in legislation.
- 3.61. We are committed to bringing gigabit-capable broadband to as many homes as possible, as quickly as possible. If Government were to limit this policy to developments of two sites or more would mean this policy would capture only 98.5% of all new build premises. Limiting this policy to developments of five sites would capture only 96% of new homes⁸. This policy will therefore apply to developments of all sizes falling within the definition at paragraph 1.7, including single premise developments provided the connections can be installed within the cost cap. This will ensure that 99.3% of all new homes can receive gigabit broadband.

⁷ New Build modelling using Ofcom Connected Nations and BDUK data

⁸ New Build modelling using Ofcom Connected Nations and BDUK data

- 3.62. Government recognises that in some cases the costs of installing gigabit-capable connections, combined with limited opportunities for returns on investment, will be prohibitive for both developers and network operators. When this is the case, the 'next best alternative' principle should be applied. That is the installation of the next fastest broadband connection that can be deployed within the cost cap. Government does not intend to be prescriptive on which connection this should be, as that should be determined by availability. However, by way of example, the types of connections we would expect developers to consider would include FTTC or Fixed Wireless Access (FWA), both of which provide at least superfast speeds.
- 3.63. The cost of deploying a 'next best available' connection should not exceed the cost cap set for the deployment of gigabit-capable connections. Therefore if the costs of deploying a connection such as FTTC or FWA exceeds the cost cap, developers should again consider which would be the next best available connection that can be deployed within the cost cap. For homes where ultrafast, superfast or standard broadband above 10 Mbps cannot be installed within the cost cap, the USO may be applicable.
- 3.64. The USO requires that all homes (both new builds and existing properties) should have access to a connection of at least 10 Mbps, provided this can be installed within a cost cap of £3,400. Under the Universal Service Directive, and the domestic legislation that implements it, the USO is a right to request by the prospective end user only. Therefore it is not possible for housing developers to request a connection under the USO during the build process, as this must be done by the homeowner.

Impact of house building

Summary of consultation responses on the impact on house building

- 3.65. Several points were raised on the impact on SME housing developers. Some respondents suggested this policy could encourage innovation and collaboration. However, there was some concern this could place an additional burden on SME developers. Reasons cited for this included their lack of established relationships with network operators and smaller profit margins. The Impact Assessment's assumption that small house builders could pass on costs to consumers was also raised, as it was argued new build homes are sold at the market rate, which is not determined by developers.
- 3.66. A small number of respondents expressed their concern for the proposal, citing possible delays in building homes and increased complexity in constructing new homes.

Government response

- 3.67. Government notes the comments that this policy could delay build out rates. We are committed to delivering the homes that the country needs. Alongside this ambition, it is important we help to deliver the kind of homes people require. Our research has shown that this policy will not degrade the build-out rate of new homes. Principally, this is because the provision of utilities (including telecoms) is not the major factor in build out rates. Rather, market absorption (effectively controlled by developers) is the key factor. This is the view of the Independent Review of Build Out, conducted by Sir Oliver Letwin MP⁹. We will continue to work closely with stakeholders to ensure any impact on house building is proportionate and we will publish a full impact assessment in advance of bringing forward the legislation.
- 3.68. It is important to note that the £2,000 cost cap will only be reached in very limited situations and in most cases developers will contribute nothing at all. We expect that developers will have to contribute over £1,800 for only 0.1% of all new builds . Where network operators contribute £500, developers will be required to contribute to around 1.9% of premises with an average contribution of £426¹⁰. Where network operators contribute £1,000, developers will be required to contribute to only 0.9% of premises with an average contribution of £533¹¹. 98.1% of new build premises will receive gigabit broadband at no costs to developers. This analysis assumes that all new premises on sites with 20 or more premises will be connected to a gigabit capable connection at no cost to the developer through Openreach’s rate card. It is also assumed that no premises on sites with fewer than 20 premises will be impacted by the rate card, and therefore they are all in scope of the policy. The impact of the rate card on small and medium sites will be further explored, and inform assumptions in the final Impact Assessment.
- 3.69. Not only will the cost cap limit the financial burden imposed upon developers but in addition, house buyers are willing to pay more for a better quality of connection. For example, a report by the London School of Economics suggests that house prices increase by c.3% when broadband speeds double¹². Further, it has been found that buyers are often not willing to accept a slow internet speed, with a report finding that ‘ultra low’ speeds could knock, on average, 24% off the value of a property¹³. Developers have the ability to pass on modest costs to house buyers, and so face an incentive to improve the quality of connections.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/689430/Build_Out_Review_letter_to_Cx_and_Housing_SoS.pdf

¹⁰ New Build modelling using Ofcom Connected Nations and BDUK data

¹¹ New Build modelling using Ofcom Connected Nations and BDUK data

¹² Research by the London School of Economics and Political Science & Imperial College Business School

¹³ Research by HouseSimple, an Estate Agent

- 3.70. Government also notes the points raised on the potential impact on housing developers. Although Government recognises the pressures that SME developers are under, this must be balanced against the need for new homes to be provided with high quality, future proof connections that prevent costly and disruptive retrospective civil works and provide consumers with the connectivity that they want and need. Additionally, as outlined above, this policy will present SME developers with a clear framework in which to operate when installing broadband connections and the cost cap will provide certainty on the maximum costs that will be faced alongside their other steps to comply with the Building Regulations. Additionally Openreach has announced a new price structure that reduces the costs of developers contracting with Openreach for the installation of FTTP on the smallest developments and ensures every development of at least two premises or more falls within the cost cap.
- 3.71. The Impact Assessment made clear that we do not believe SME developers will be negatively impacted by this policy as any additional costs that fall to developers can be passed on. This would apply regardless of the size of the developer. The Impact Assessment also demonstrates the impact in terms of the number of homes built by smaller developers (i.e. those in scope) is small. No respondent presented evidence that refuted our assessment that developers 'can afford' the proportionate increase in costs we propose and we will continue to monitor the impact any intervention may have on smaller developers through the updated Impact Assessment. We will continue to monitor the impact on smaller developers, including those of self build homes, as part of the post-implementation review of the legislation.

Alternatives to the proposed policy

Summary of consultation responses on alternatives to the proposed policy

- 3.72. The Government also received feedback on alternatives to the proposed developer obligations. A database which developers can utilise to identify nearby networks was raised and there was some suggestion that Government should fund deployment in areas where network deployment costs are high.

Government response

- 3.73. Government notes the suggestions that the connectivity plan should be a condition of planning permission. Government does not believe that new build connectivity should be addressed through the planning system. The planning regime is inherently flexible and devolved to such a degree that an issue of the type of mandating gigabit-capable connectivity is more appropriately dealt with at local level, through local plans put in place by local planning authorities.

- 3.74. This is the position of the National Planning Policy Framework which states that planning policies “should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).” For example, Ashford Borough Council has successfully introduced a local plan which requires FTTP for all developments over 10 units and we would encourage all other Local Authorities to consider similar measures.
- 3.75. Government does not intend to make specific funds available for developers or network operators to install gigabit-capable connections. Instead, new developments that fall outside the cost cap for gigabit-capable connections are likely to instead be covered by the £5 billion UK fibre programme, which Government intends to use to ensure premises in the hardest to reach 20% of the UK receive gigabit-capable connections on the same timescale as the rest of the country. Additionally, when amended, the Building Regulations will ensure that if gigabit-capable connections cannot be deployed due to the cost cap or other exemptions, then the physical infrastructure to support gigabit capable connections will be installed. This will ensure it is far easier to upgrade connections in the future as and when networks expand.

Exclusivity agreements and open access networks

Summary of consultation responses on exclusivity agreements and open access networks

- 3.76. Respondents agreed that developers should engage with more than one network operator with some suggestion that one network operator contacted should be an open access infrastructure provider. There were some concerns raised around exclusivity agreements, where developers contract with a network operator who only offers access to one internet service provider. A number of respondents argued they inhibit both market competition and consumer choice and that Government should legislate to ban these.

Government response

- 3.77. Open access is primarily a matter for Ofcom as the regulator for telecoms. However, in general, the UK has a competitive internet service provider market as a result of the work that Ofcom has done to promote competition at the retail level by providing regulated access to Openreach’s national broadband network. The Government is also working with Ofcom to promote greater competition at a network level, as this is one of the key ways to meet our ambition for nationwide coverage of faster and more resilient gigabit broadband networks as soon as possible.

- 3.78. The Electronic Communications Code¹⁴ and the Communications (Access to Infrastructure) ('ATI') Regulations 2016¹⁵ also give network operators significant powers to access land and existing infrastructure. In practice, network operators have not yet widely used these powers. We will be using the forthcoming call for evidence on the ATI regulations to gather more information about how they can be used to promote infrastructure sharing in new build developments.
- 3.79. In response to suggestions that this policy should mandate open access at a retail level, although we wish to encourage competition and choice, we would not introduce a policy that removes the ability of vertically integrated network operators¹⁶ to deploy their networks to new builds. Therefore the open access aspect of the policy will be met through the proposed amendments to the Building Regulations, under which we will seek to mandate that every new build must have the physical infrastructure to support gigabit-capable infrastructure from multiple network operators at the same location.

Connectivity in rural areas

Summary of consultation responses on connectivity in rural areas

- 3.80. Ensuring that all rural new build developments are included in the scope of this policy was raised by a number of respondents. Respondents emphasised the need to design a policy that is as effective for the smaller developments found in rural areas as it is for the larger, urban developments to ensure there is balanced provision of broadband across urban and rural areas. Additionally some expressed a view that should be no cost cap for gigabit-connections in rural areas or that it should be higher than the level set for the urban areas.

Government response

- 3.81. Government is clear this policy should apply to property developments of all sizes, whether rural or urban, falling within the definition at paragraph 1.7.
- 3.82. Government responds in detail to comments raised in relation to the cost cap at paragraphs 3.53-3.63. In relation to the specific point that this should be higher for rural areas and/or smaller developments, Government remains of the view that a standard cost cap across all new build properties, regardless of size of development or geographical location, is the right approach. Defining a rural home would add complexity to the process, adding further administrative burdens to both developers and network operators. Furthermore, the number of homes that would exceed the cost cap is relatively small. The Impact Assessment published alongside

¹⁴ <https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/policy/electronic-comm-code>

¹⁵ http://www.legislation.gov.uk/ukxi/2016/700/pdfs/ukxi_20160700_en.pdf

¹⁶ Those that provide the physical network and the internet service

the consultation agreed that deployment costs in rural areas are usually (but not always) higher than in urban areas.

- 3.83. If the cost cap is reached, then other alternatives falling within the cost cap should be considered. This principle, known as the 'next best' principle, is examined in full at paragraphs 3.61-3.62. This is particularly relevant for new builds in rural areas where there are high deployment costs and limited availability of a backhaul network able to provide a gigabit-capable connection without substantial, time-consuming and disruptive investment by network operators. Therefore if a gigabit-capable connection proves to be too expensive, a next best alternative must be considered; this may be FTTC, FWA or other superfast connection, provided it can be deployed within the cost cap.
- 3.84. When amended, the Building Regulations will ensure that every rural development is equipped with the physical infrastructure to enable new homes to be upgraded to gigabit broadband as soon as it is economically viable to do so.
- 3.85. Government recognises the additional costs and challenges of deploying in rural areas and is seeking to address these with a range of initiatives. Therefore this policy has been designed to work in conjunction with other programmes designed to boost rural connectivity. This includes the £5 billion UK fibre programme which Government intends to use to ensure premises in the hardest to reach 20% of the UK get gigabit-capable connections on the same timescale as the rest of the country and the Rural Gigabit Broadband Connectivity Vouchers.

Environmental impacts

Summary of consultation responses on environmental impacts

- 3.86. A small number of respondents noted that the policy should aim to minimise the environmental impacts of any additional building/streetworks required to install gigabit-capable connections.

Government Response

- 3.87. Both developers and network operators are already subject to environmental licensing and permitting regimes and other environmental legislation, which provide a robust framework to ensure that no construction activity adversely harms the environment. For example, developers must have regard to the environmental provisions of the Building Regulations 2010 and Town and Country Planning Act 1990. Government will also consider any relevant environmental issues when legislating to amend the Building Regulations.

Annex A - consultation questions

Question 1

Do you have any further evidence on the state of New Build Development connectivity in the UK?

Question 2

Do you have any information or evidence to suggest that the costs developers would incur under the proposed policy would prevent homes being built?

Question 3

We propose that developers would be obliged to provide a simple connectivity plan for their developments to LAs. This plan would demonstrate that developers had consulted with at least two network providers to provide gigabit-capable networks and inform LAs when a site is connected. Do you have any comments on this proposal for a connectivity plan?

Question 4 (a)

Do you agree with the assumption that deploying the necessary infrastructure to deliver gigabit-capable networks is best achieved when the site is being built?

Question 4 (b)

What technical specifications should the physical infrastructure (ducts etc) have?

Question 4 (c)

Do you agree that developers should deploy, and pay for, the necessary infrastructure from the in-building connections to the boundary edge of the development?

Question 5 (a)

Do you agree that developers should have to engage with at least two network operators who can provide gigabit-capable connections to the development?

Question 5 (b)

What further measures could we consider to promote the availability of networks from multiple providers at an early stage to minimise costs and disruption?

Question 6

Taking £3,000 as a suggested aggregated cost cap per premise, how should costs be divided between developer and operator?

Question 7

What information and evidence can you provide to help refine the 'in scope sites' policy design choice - aggregated cost cap or number of premises?

Question8 (a)

Do you agree that developers should have the overall responsibility to ensure Gigabit connectivity for their developments (allowing for the fact that developers can oblige network operators to connect using the 'duty to connect' provision).

Question 8 (b)

How would this policy affect small house builders?

Question 9

Do you have any comments on the proposed legislative approach? Do you have an alternative solution that would deliver gigabit-capable connections to NBDs?