

Response of Southend on Sea Borough Council to Consultation on “New Build Developments: Delivering gigabit-capable connections”

Consultation question 1.

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

The Council has not undertaken any specific detailed analysis of the state of New Build Development connectivity. A large proportion of residential development involves conversions of existing buildings into flats which has another set of issues for connectivity. The need for improved connectivity in New Build development is recognised but the Core Strategy is now relatively dated so it is challenging to argue that non-gigabit connections are not policy compliant. A new Local Plan is in the early stages of development and this topic is one area of policy we have been looking at.

- 1.01** In keeping with the ambitions of the UK Government, Southend-on-Sea Borough Council has sought to accelerate the delivery of a fibre to the premises (FTTP) solution to all premises within the borough boundary. A 1Gbps (1,000Mbps) FTTP deployment is planned for the borough and is expected to be complete by March 2021. A further FTTP Borough-wide deployment has extended full fibre connectivity to the Borough’s major highways and other assets including traffic lights and CCTV cameras. The already has an ambitious Digital Strategy and digital connectivity is a central element in the Council’s aspirations for the future set out in our 2050 vision.

Consultation 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?

Our experience is that developers often raise the issue of viability with respect to what policy obligations they can or cannot afford. Southend on Sea is a CIL charging authority but digital infrastructure is not included on the Section 123 Schedule. Any additional Section 106 obligations beyond the CIL charge can meet resistance. If necessary independent Viability appraisals can be required to verify or not if there is viability to fund additional policy requirements. Affordable housing is frequently the main priority and any other requirements must supported by evidence that they meet the statutory requirements of being directly related to the development, necessary, etc.

While it is possible that at the margins there may be a very small impact on housebuilding, if developers know in advance what the policy requirements and costs are they can incorporate them into their assumptions, especially when buying the land. A national requirement for digital connectivity would be quickly absorbed into housebuilders budgeting and would drive design and economies of scale.

Consultation 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?

This approach would potentially be workable. It would however need to be set out in a transparent way (i.e.; that is not in over-technical language or an Executive Summary) that can be easily understood by non-experts. It may incur Building Control teams committing extra resources in ensuring that the information is correctly stored. It would also be helpful if advice were produced by the Government on whether inadequacy in the information provided can be used as a reason for refusal. Overall, however, the approach is welcomed.

If the requirement is to be incorporated via the Building Regulations it needs to be clear whether or not Planning Officers need to be engaged in discussions on this matter with developers at the Design stage. The role of planning policy in facilitating such connectivity (e.g. as in Ashford Local Plan) also needs to be made clear. Fundamentally, does the Government envisage any role for Planning Officers or is this a purely administrative role for Building Control officers.

Consultation 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?

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

(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?

- a) Yes
- b) It should be capable of accommodating current FTTP and any future foreseeable enhancements
- c) Yes

Consultation 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?

(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?

- a) Yes. I would expect the national housebuilders and HBF to engage strategically at national level with the key network providers to examine how they can develop partnerships that could help drive down costs. These could be regional and local as well as national.
- b) This could be built into licences when issued by OFCOM. It would also be useful if there were protocols, especially on large developments, that facilitate effective working arrangements. Lessons from proactive authorities such as Ashford and other “good practice” arrangements should also be applied.

Consultation question 6.

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

No particular opinion on this but an element of cost sharing should be applicable that would incentivise and ensure that both developers and operators have a responsibility for delivering new infrastructure. It will also be important to consider how this may be passed onto the consumer, e.g. through higher house prices or bills. Ideally it should be absorbed by each of the providers.

Consultation 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?

Many authorities rely on small “infill” sites to deliver an appreciable portion of their housing numbers. It is recognised that smaller, local builders often operate on tighter margins than volume housebuilders. Nevertheless, it is important that delivery of FTTP shouldn’t be limited to large developments or larger, more affluent settlements. If delivery is to be equitable there may need to be consideration of Government or industry subsidy for smaller developments or those above the price cap.

Consultation question 8.

(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 operators to connect using the ‘duty to connect’ provision).

(b) How would this policy affect small housebuilders?

- a) Yes
- b) It would be more difficult for smaller housebuilders as they don’t have the same resource to engage with operators and sometimes have more marginal sites that especially in rural areas are more challenging to connect. There would be value in having both an advisory support system for such builders as well as looking at subsidies to connect more difficult to connect sites.

Consultation 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?

Given the amount of time it could take to pass and implement new legislation (2 years+?) it would be useful to understand whether there is an interim approach in the intervening period. For Local Planning Authorities preparing Local Plans it would be useful to have guidance on whether policies should be included or not. In such cases maybe a “good practice policy” example could be published.