

From: Laura Chase
To: "newbuildconnectivity2018@culture.gov.uk"
Date: Thu Dec 20 2018 14:54:18 GMT-0000 (GMT)
Subject: New Build Development Connectivity

Dear Sir/Madam – Please see below the response of Colchester Borough Council to the consultation on New Build Development Connectivity:
Colchester Borough Council responses to DCMS consultation

Question 1: Do you have any further evidence on the state of New Build Development connectivity in the UK? Yes. We have seen limited (low 100s) FTTH deployment in new build estates, with network capability provided by Virgin Media or OFNL. Our Planning Guidelines were changed in early 2016 to encourage the deployment of open-access ducting to enable FTTH, but we continue to see partnerships of exclusivity of use over duct and fibre access with developers negotiating with single infrastructure operators who, in the majority of cases, only allow access to service providers of their choice (or that are actually part of the same company group). This artificially constrains customer choice and has led in some new developments to customers being restricted to access to lower bandwidths than are already available over copper (for example, while VM 350Mbps HFC is extensively available across urban Colchester, some of the native FTTH deployments are only offering 100Mbps speeds).

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? We have no such evidence from our interaction with housebuilders in Colchester.

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 would represent an improvement in the current landscape, assuming that exclusivity over access to customers is not enshrined in the business plans of the developers from the start. This continues to be the case. We believe that the development of open-access duct and fibre infrastructures is the only viable way to prevent this and to enable true customer choice.

Question 4: 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? What technical specifications should the physical infrastructure (ducts etc) have? 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? Yes, it should not be necessary to dig or re-dig roads, pavements or front gardens to put fibre down after the properties have been built. Adequate duct provision should be made to ensure fibre, ideally 4 cores, can be laid to each property in a residential development. The developer should ideally pay for the termination of these cores inside the property to avoid the need for gardens or front drives to be dug up to enable connection.

Question 5: 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? Realistically, the only approach that will enable multiple provider access is if the fibre operation and service provider functions/layers are clearly, legally and contractually separated. This is the model that has been used to excellent commercial outcome in the Nordic countries, and we believe it should be encouraged in the UK. We do not envisage a situation in which BTO or VM will allow access to their own fibre core final drops to market competitors.

Question 6: Taking £3,000 as a suggested aggregated cost cap per premise, how should costs be divided between developer and operator? We believe that the operator should only be responsible for the cost of provisioning and operating active equipment (either at the network headend of the OLT inside the customers premises). The rest of the apparatus should rightly be considered passive and the costs of installing it should be borne by the developer during build stage.

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? Nothing specific to Colchester other than the published costs available from BTO/VM for FTTH deployment. We will be able to provide much more detailed information on the aggregated costs of deploying open-access ducting infrastructure to new builds following the building of some 400 residential properties by the Council's own house-building company during 2019-20, and would welcome the opportunity to share these outcomes with DCMS.

Question 8: 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? We believe that such a responsibility would have no significantly negative financial impact on small housebuilders given that deploying open-access ducting to a property is far lower in cost terms than connecting a property to any of the other utilities (gas, electricity and water). We believe that the presence of open-access ducting and/or open-access fibre from a central distribution point/network headend, should be seen as every much a normal and routine deployment as connecting a home to the mains electricity supply.

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?

National legislation should be amended as a matter of urgency, to remove the very significant legal, regulatory and administrative barriers to FTTH(x) deployment, and to emulate the approach adopted in the Nordic countries of provisioning open-access infrastructure that can be shared on equal terms among service providers wishing to share it. The following areas are of particular concern:

Barriers to deployment: Colchester faces the same issues as any comparable LA of its size and relationship with higher-tier authorities. The Highways authority is at county-level and applies charging mechanisms to road and street works under the NRSWA 1991, which is obsolete and a major impediment to full-fibre deployment. While some workarounds are possible to obviate the need for Section 50 and 25-yr licence processes, this creates a dependence on ECC CP-enabled third-party contractors and increases costs. We believe local authorities at all levels should be able to plan for and enable the deployment of full-fibre networks without recourse to such measures.

Market entry by altnets by sharing existing infrastructure, including BTO PIA: Using BTO PIA is dependent upon securing ECC CP, which is time-consuming and expensive. Furthermore, the PIA systems as currently offered appear to have been made as difficult as possible for external contractors to use. Our local experience suggests significant interaction with BTO systems specialists is required to carry out even very minor installations because the BTO systems are not accessible. In some cases, requests have to be submitted in the form of XML strings, which makes it virtually impossible to access PIA. The training and qualification requirements imposed by BTO on contractors wishing to use PIA are excessive and appear designed to stop its use.

Stable and long-term regulation to incentivise network investment: Colchester believes that this cannot occur without a fundamental revision of the legislation and regulatory environment applying to the deployment of FTTP networks, and that while the one-off investment packages (LFFN/Voucher Scheme) are welcome, these are also very time-consuming, extremely heavy on bureaucracy and not a solution to the problems created by a dysfunctional market very much skewed to the advantage of the copper-based incumbent operators. We witness the emergence of hybrid technologies (BT's G.Fast and VM's RF-over-fibre) as a backlash against Government pressure to move in the direction of full-fibre and a further sign of market failure.

Achieving universal gigabit by 2033: Unless the Government's investment in vouchers and other schemes to promote full-fibre deployment is maintained, it will not happen in Colchester.

Switchover to increase demand for full fibre services: There is no evidence that this is taking place in Colchester, or that such a switchover will take place as an evolution of the connectivity market without legislative and policy change at national level.

Please e-mail Steven Eke if you have any questions on the responses.
Regards,

Laura Chase
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Colchester Borough Council

• www.colchester.gov.uk

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