

Response to DCMS consultation:

New build developments: delivering gigabit-capable connections

Response to: newbuildconnectivity2018@culture.gov.uk

West Sussex County Council (WSSCC) has been working since 2013 with BDUK and BT to roll out new publicly-funded 'superfast' broadband. WSSCC is also working with DCMS and CityFibre to build gigabit-capable full fibre infrastructure to public sector sites in the county as part of the LFFN programme.

WSSCC's Digital Infrastructure Team would like to respond to the following consultation questions:

Qu 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?

WSSCC is a two-tier authority where responsibility for planning decisions rests with seven district and borough councils and the South Downs National Park.

WSSCC strongly supports that planning authorities hold policies that prioritise how in making planning deliberations they ensure developers make provision for full fibre network. Using the local planning policy framework we regularly request and review telecommunications policy to ensure it positively drives the growth of gigabit-capable full fibre digital infrastructure across the county.

We welcome developers being obliged to provide a simple connectivity plan to local authorities, which we take in this context to mean the planning authority. However we request that consideration is given in the case of two tier authorities for the planning authority to share that information with the county authority. This is to inform our strategic view of digital infrastructure growth and need across West Sussex and to add value where we may already be, or plan to be, in discussion with commercial providers about areas of opportunity for investment.

We would question the requirement on a developer to consult with *at least two* network providers as, depending on the location of the proposed development, it is typical that only one network provider has infrastructure in the more rural parts of the county.

Qu 4 – a) Do you agree with the assumption that deploying necessary infrastructure to deliver gigabit-capable networks is best achieved when the site is being built?

Yes. Our own experience in rolling out the BDUK programme of 'superfast' broadband has been that retro-fitting broadband services to existing development is more costly and causes more disruption to residents.

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

The infrastructure should provide for future-proofed gigabit-capable broadband connections.

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?

Yes. We agree with the proposed approach to regulate so that developers make provision for high-quality connectivity, prioritising gigabit-capable where this is not cost-prohibitive and otherwise considering alternative technological options to provide at least 'superfast' connections.

We support that commercial agreements between developers and providers to deliver gigabit-capable connections should be able to continue in the first instance and that the proposed policy targets those developers who renege on paying for and ordering high quality connectivity. However this is most likely to be an issue on small development sites as in our experience those of over 30 units make arrangements with Openreach through the 'fibre for free' agreement.

Qu 6 – 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?

Where this is possible we agree, however it is unlikely that any two network operators have existing provision of fibre backhaul in every area in our rural county. The policy should not preclude developers engaging with a single provider solely able to build the technology on the basis that another, alternative, provider is not commercially available.

We would also comment that where that single provider offers wholesale access to ISPs it would provide the eventual customer with more affordable choices than in a scenario where a closed network provider (possibly the developer themselves) locks pricing policy.

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?

We would like consideration to be given to making the provision of full fibre infrastructure a statutory requirement by planning authorities when determining planning permissions.

Qu 8 – a) do you agree that developers should have 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).

We would comment that this is an interesting proposal, however it assumes that fibre backhaul is locally available at all locations where new development is planned, or would be able to be funded in agreement by both the developer and operator up to the cost caps proposed in the policy.

In our experience of rolling out the BDUK 'superfast' programme it is likely that there will be rural properties planned for development where the cost cap of £3,000 would be insufficient to provide gigabit connectivity.

b) How would this policy affect small housebuilders?

It is likely that this policy would only affect developers of sites that are smaller than 30 units, as in our experience developers of larger sites are utilising the 'fibre for free' arrangement offered by Openreach.

Where the proposed development is in a rural area, and without provision of existing fibre backhaul, it is likely that the developer may not agree costs with a provider under a commercial agreement and therefore the 'duty to connect' and accompanying obligations upon both the developer and operator to cover costs (up to the agreed cost caps) would be required to guarantee connectivity.

However, as noted above, it may be the case that the developer and provider cannot agree costs for provision of gigabit-capable connectivity leading to alternative 'superfast' solutions being sought. This in turn may affect any decision by a potential purchaser who is demanding high quality connectivity.

We hope this is helpful.

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