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To: "newbuildconnectivity2018@culture.gov.uk"  
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Subject: New Build consultation response - Staffordshire

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Afternoon

Please find attached Staffordshire County Councils response to the New Build Development; Delivering gigabit-capable connections consultation.

May I take this opportunity to offer season's greetings, and very much look forward to working with you in the New Year.

Regards

Paul

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#### Attachments:

- [image001.png](#)
- [Staffordshire CC response 21122018.docx](#)

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21<sup>st</sup> December 2018

New Build Development connectivity consultation  
Digital Infrastructure Directorate  
The department for Digital, Culture, Media & Sport  
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**Staffordshire County Council response;**

Thank you for providing the opportunity to comment on the government proposals to legislate for the provision of gigabit capable broadband services on New Build Developments (NBD's). The Superfast Staffordshire programme team hear from many residents who have moved in to their new houses only to find that high speed broadband has not been provided for, and more alarming is not planned in the immediate future. Anything that can avoid this situation is to be welcomed.

The team have tried working with the planning authorities, suggesting they strongly recommend to developers that high speed provision is planned into the development from the outset, however this approach still sees developments built without provision. This is despite the network operators offering to fibre enable the new sites at little or no expense to the developer. There is clearly a market failure, but not one borne out of the cost of provision. Thus, the legislative approach would appear necessary if new development sites are not to be left in the digital slow lane.

The inclusion of the correct ducting at the same time as other services are built (e.g. gas, water, electricity and sewage) would resolve most of the issues, however developers seem to have been reluctant to plan for this at the design stage, preferring to provide a copper line and leaving it to the market to retro fit the high speed solution, which is not always possible and inflates the cost of provision.



We would like to make the following comments on the proposals: -

- Whilst the consultation is focussed on the residential NBD's, we need to ensure that commercial developments have access to gigabit capable services from the outset.
- In an ideal world any NBD would be served by at least two network suppliers to ensure the services offered are competitive. In practice this might impact the commercial providers business case. So, whilst consulting at least two network providers would be essential, the site may only be served by one network provider in some cases. However at least gigabit-capable services would be available from the outset.
- The technical specifications would need to be supplied by the network providers, unless a universal nationwide standard was developed and adopted.
- It is essential that the provision of the physical infrastructure is built at the same time as the other services (e.g. gas, water, electricity and sewage).
- In relation to the policy approach the proposals for a connectivity statement to the local authority is supported. However, the process seems to focus mainly on the new dwelling itself and as such is possibly missing an opportunity for consideration of a catchall infrastructure e.g. ducting/cabling that is to be provided within the estate roads/accesses that will ultimately become public highway. There is a regulatory check proposed under Building Regulations to ensure the property has the necessary infrastructure provided but Building Regulations only applies within the curtilage of the property and not to the public highway outside. Where new highway is constructed in development sites it is controlled through Section 38 of the Highways Act, which provides mechanisms for highway authorities to approve the details of and supervise the construction of new highway maintainable at public expense. As part of this process service runs are approved with specifications for utilities (water, electricity etc) however at present there is no specification for gigabit capable infrastructure ducting, nor can the highway authority request such be provided. To compound issues further when new highway infrastructure is approved there is a restriction on any new excavations that can extend for a period of years, which obviously delays delivery of a service if it is not provided during initial construction. Additionally, it can be prohibitively expensive to do so.



We seek therefore that the process includes consideration of the role the local highway authority plays in approving new roads and footways on new development. If legislation enables the highway authority to direct that suitable ducting to be provided (as a minimum) as part of initial design-check it will avoid potential situations where new excavations are necessary to retrofit connections from the property to the network. New guidance may be necessary from the operators on specifications for ducting, so highway authorities can ensure the correct provision is being made.

Given the failure of the market place to ensure that all NBD's have gigabit capable broadband infrastructure in place, and its increasing importance in the delivery of services and wellbeing of the residents, it seems necessary to develop legislation to ensure that this is planned for and built from the outset.

The marketing of the new build properties will be enhanced improving saleability, if not value. Value could be improved if the connectivity within the home was designed and built to maximise the benefits of the gigabit capable services.

Please feel free to contact the Staffordshire County Council should you require any further information.

Yours sincerely



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