

Actual Consultation Document at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752145/New_Build_Developments_Delivering_Gigabit_Capable_Connections_Condoc_FINAL_2_.pdf

Responses to: newbuildconnectivity2018@culture.gov.uk by 21 December 2018

Consultation Questions:

Consultation question 1.

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

Consultation answer question 1.

Evidence of connectivity in NBDs reflects the findings outlined in this consultation. Across Worcestershire, a small number of recent New Build Developments are able to take advantage of FTTP networks. Some have been connected to existing FTTC networks (either wholly or partially – e.g. Kempsey Mead), meanwhile others such as the development near Spetchley Road, WR5 2NP remain without access to even FTTC connectivity, so residents in some 150, brand new houses are only able to access poor sub 15Mbps service.

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?

Consultation answer question 2.

We do not have any evidence that suggests the proposed policy outcome would prevent developers from building homes. In any event, as the consultation documents, any such costs would be marginal, if at all, given Openreach and Virgin Media current policies to fully or partially cover the installation of fibre infrastructure in new housing developments. (e.g. Openreach claim to fully fund the installation cost for developments of 30 plots or more. For smaller sites, developers will be able to contribute towards the cost of building the FTTP infrastructure).

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?

Consultation answer question 3.

We agree that a developer should include a connectivity plan as part of their application for planning consideration. This should describe at least two network operators who would be consulted for installation of gigabit capable broadband, along with a commitment to ensure that at least one of the operators would be contracted for installation of gigabit capable connections in every home. This should include backhaul, such that any house buyer would be able to order a full fibre connection on the day the owner takes possession of the house. We propose that any resulting contractual arrangement with a network operator must not have exclusivity provisions preventing other network operators from installing broadband infrastructure. We suggest that the connectivity plan should also commit to describe gigabit capable broadband as being available in every property in the development sales prospectus.

In 2017, Worcestershire County Council fed back to Wyre Forest DC for their local plan review regarding Broadband infrastructure. Adaptation to the plan is a long process and they are still in the pre-submission stage. Our input is included on page 172-175 and we will be updating this advice based on up to date

guidance and developments within industry as applicable and with other districts as they bring their Local Plan reviews through. A link to the pre-submission publication is here:

<http://www.wyreforestdc.gov.uk/media/3993526/Pre-Submission-Publication-October-2018-.pdf>

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?

Consultation answer question 4 (a).

Absolutely. It should also be a requirement for the developer to have engaged with a minimum of two network operators allowing sufficient time before any building works commences on the development site. The legislation should also specify that it is the responsibility of the developer to ensure that sufficient time is scheduled to specify the requirement with network operator(s), evaluate responses, and contract for the works.

Again, in reference to the Wyre Forest Local Plan as detailed in answer 3, we believe it should be part of planning permission legislation. We want to influence developers' actions so that any development in Worcestershire is connected and fit for the future.

Additionally, when new sites are built and become adopted highway land it can cause additional expense to local authorities. Local Authorities may implement particular codes such as section 58 which can inhibit further infrastructure build for a period of time.

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

Consultation answer question 4 (b).

The network operator selected as per 4 (a) above should be requested to provide the required specifications of any ducting to be installed in line with that network operator's policy. It is anticipated this would be a conditional requirement required of the developer to qualify for free or discounted installation by the network operator.

(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?

Consultation answer question 4 (c).

We consider that it should be the responsibility of the developer to ensure that all their customers can order a gigabit capable broadband service when they move in. It is expected that the developer would seek network operators to submit proposals for this requirement for evaluation. If the developer is minded to accept a proposal from a network operator whereby the developer would need to deploy or pay for the necessary infrastructure from the in-building connection to the boundary edge, as opposed to accepting a proposal for a fully paid solution from another operator provider, that would be their choice to make.

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?

Consultation answer question 5 (a).

Yes, we consider it sensible for them to do so to ensure the developer secures some element of choice as to what would be more favourable to them and to be able to evaluate the relative benefits offered of each network operator's proposal. This would also make their development more attractive to end users, as currently some provide rather expensive, not open access solutions.

We evidence this in the Local Plan referred to in answer 3.

(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?

Consultation answer question 5 (b).

We consider it is important to distinguish between the operator which installs and maintains the networks, and the service providers with which the consumer will contract. We consider it relatively important that the householder has choice in selecting a service provider, but there are network operators who do not offer access to other service providers through their infrastructure, meaning no competition in services offered or choice for end users. We consider a balance needs to be struck between ensuring availability of full fibre services as the primary requirement and allowing competition in the market. This could encourage other network operators to invest early to have an opportunity to provide a full range of services at the best prices for consumers. The key to ensuring this would happen is early engagement with the network operator market, given cost of installation before building commences is significantly cheaper than retrospective fit, and also as described above, ensuring that no network operator is permitted to have exclusivity clauses for the infrastructure they install.

Consultation question 6.

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

Consultation answer question 6.

We consider the simplest approach is to ensure the developer is required to commit to gigabit capable infrastructure being installed. Therefore, the developer should seek the most favourable terms from the network operator market to achieve this objective, enabling the market to determine which network operator puts forward the best proposal. Ultimately, the legislation should be aimed at securing the right immediate outcome whilst stimulating competition and investment in full fibre connectivity

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?

Consultation answer question 7.

So long as all developers are subject to the legislation irrespective of scale of housing development, there is limited distortion of the developer market by stipulating they must enable all houses to have access to gigabit connectivity. It is accepted that small developments are more likely to require the developer to pay for the installation of the infrastructure as opposed to the network operator subsidising or installing for free. However, the developer will need to account for this cost in determining the selling price of the houses on the development.

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).

Consultation answer question 8 (a).

Yes, we agree that developers should hold overall responsibility to ensure gigabit connectivity is available on their developments

(b) How would this policy affect small housebuilders?

Consultation answer question 8 (b).

It would encourage small housebuilders to be innovative and plan their housing developments in locations where they may collaborate with other small housebuilders or plan to build where fibre broadband is not going to cost a fortune to install. There should also be a value associated with full fibre having been installed which may be reflected in the selling price of their houses.

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?

Consultation answer question 9.

We consider that the legislative approach is the best way to ensure the policy objective is enforceable nationwide and treats all developments in the same manner. Any other approach which, for example depended on strong planning authority action, will potentially lead to developers favouring build in those locations which are less stringent in management of planning matters concerning full fibre provision. With the nationwide shortage of housing this would be unhelpful. It's important to note that we don't want developers entering in to agreements with sole providers as exclusivity agreements tend to lead to inflated costs and limited services for consumers.

Additionally, it would be beneficial to actively encourage the developers to get on board by selling the benefits for them. The better specifications to which they build and future proof homes should increase the price they can charge prospective buyers.