

## ISPA response to the DCMS consultation on New Build Connectivity

### 1 About ISPA

ISPA welcomes the opportunity to respond to the consultation from DCMS on improving tenants' access to gigabit-capable connections. ISPA is the trade association for Internet Services Providers (ISPs) in the UK, with over 200 members, 90% of which are SMEs. Our members cover the whole spectrum of access provision in the UK using FTTP, FTTC, wireless and satellite connections at a wholesale and retail level. They play a critical role in delivering broadband and internet services across the UK to consumers and businesses.

### 2 Introduction

ISPA welcomes this consultation, having engaged with the Barrier Busting Task Force in DCMS since its inception. The Government's ambition to roll out full fibre to 15 million premises by 2025 and nationwide by 2033, as set out in the FTIR, will require considerable, and accelerated infrastructure construction. Our members are committed to delivering this vision and the industry has been vocal about their support for the ambitious rollout plans and increased investment in this area.

New builds present a clear opportunity to make fibre capability standard, and there is a pressing need to ensure that this is considered at the earliest stage possible in the planning and building process to avoid the costly and often disruptive retrofitting process.

Our members welcome the measures set out in the consultation, and the intentions behind them, yet there are some concerns about the consultation requirements, timelines and the cost aggregation model which we set out below.

### 3 Consultation requirements

There are concerns amongst ISPA members regarding the obligation on developers to consult with two operators nine-months prior to building as part of the process described in the consultation. There are several issues which need more clarification, including: what constitutes 'consulting'; what process will developers need to use to notify operators; and, what defines an 'operator'.

On the obligation to consult with two 'operators', there are concerns around whether this would apply to operators building infrastructure, or ISPs providing services over other people's infrastructure. Further to this, if the developer wishes to provide connectivity themselves, e.g. via an owned or operated communications subsidiary or partner, would this count as an 'operator' to 'consult' with? In this instance there are concerns that third-party operators may be "locked out" with the developers using purely their own teams, leading ultimately to no choice for the consumer.

Far more clarity is needed on this point to ensure that the obligation on developers is effective in ensuring all new build properties are built with gigabit capable connections already in place.

### 4 Commercial negotiations and timelines

The premise of this consultation is that developers should involve communications providers earlier in the process to ensure that agreements are in place by the time build begins there is an agreement. There are concerns that whilst the nine-month window proposed is a good step in this direction, it may not be long enough for all commercial negotiations to be completed. Agreement before build start is clearly vital, and ISPA members would argue that making this a condition of planning permission would act as a guarantee and place sufficient pressure on both sides to negotiate in a timely fashion. This would also guard against a situation where the 9-month period for negotiation is not long enough, and the build goes ahead without a connectivity plan in place.

Such a system would allow greater scope for telecommunications infrastructure build to be planned as a core part of the overall process. This could include joining up with local authorities and ensuring there are ducts under any new roads connecting the development site in advance.

## 5 Cost aggregation

The consultation highlights the “administrative and logistical” difficulties that using a cost aggregation model for determining ‘in scope’ sites. ISPA’s membership echo these concerns, especially as this may not take into account the unique challenge posed by new builds in extremely rural or remote locations. As such, a threshold for the number of premises being built may be more effective.

## 6 Conclusion

ISPA’s membership is keen to facilitate the Government’s ambition to roll out of gigabit capable communications infrastructure across the country, and to encourage any attempts to reduce barriers to this. Any attempt to ensure that connectivity is central to the building process is welcomed by the telecoms industry. The consultation is, therefore, a step in the right direction, but could be more effective if it was taken further. By making the agreement of a connectivity plan with providers a condition of planning permissions, the appropriate pressure will be applied to ensure that negotiations move forward. This avoids a situation where Operators have to retrofit infrastructure into newly built developments, increasing costs of installation and ultimately delaying services for consumers.

Further clarity around the negotiation process is needed, particularly regarding the obligation to consult, what this constitutes and to whom this applies. There are concern that developers may not enter into these negotiations in good faith, and, therefore, greater certainty is needed as operators continue to roll out infrastructure across the country.

Furthermore, DCMS should consider extending the proposals set out in the consultation to business premises and business parks.