

Annex A: List of consultation questions

Name:				
Email: Admin@ispa.org.uk				
Are you responding as an individual?		a highway authority?		
a utility?		a contractor?	Other?	X
Name of above organisation (if not responding as an individual).				
Internet Services Providers' Association (ISPA)				
If responding on behalf of a large organisation, what is it, who does it represent and, where applicable, how were the views of members collated?				
<p>ISPA is the trade association for providers of internet services in the UK, we have over 200 members, 90% of which are SMEs. Our members cover the whole spectrum of access provision using FTTP, FTTC, wireless, satellite and hybrid solutions at a wholesale and retail level, and all play a critical role in delivering broadband and internet services across the UK to consumers and businesses.</p> <p>This response has been formulated through the broadband focussed working group along with bilateral discussions with members to best reflect the views of the internet industry.</p>				

Question 1 - Reinstatement guarantee period

The guarantee period for all reinstatements should be:

- a) left as they are?
- b) 3 years?
- c) 4 years?
- d) 5 years?

A X	b	c	d
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Your comments:

ISPA members are of the opinion that guarantee periods for reinstatements should remain at two years unless this was balanced by a move to a performance-based approach.

There is little evidence provided in the fourth edition behind any extension to the guarantee period, or of any reinstatements failing significantly after the existing period of two years.

The code's shift to a longer guarantee period is not coupled with an acceptance of a performance-based approach to reinstatements. This is cause for considerable concern for Communications Providers (CPs), who would encourage a less specific methodology to allow for greater innovation, and to encourage quality works.

The increased guarantee period would have a number of unintended and negative consequences:

- It would increase commercial costs for communications providers and their contractors as they take on the additional liability for the reinstatement.
- Management of the extended guarantee period would also require extra resource and therefore incur additional cost.
- This increased cost could divert investment away from the rollout of communications infrastructure, by damaging the business case and reducing the number of premises connected.
- Increased costs may also be passed on to consumers through their bills.
- Five years may extend beyond the guarantee period given by manufacturers of products and materials used in a reinstatement placing undue burden on the provider undertaking the works.
- Despite the shift to enable more innovative methods and techniques in the fourth edition, an increased guarantee period will hugely discourage trials of this kind given the extended risk.

ISPA's members are confident in the quality of their works but are clear that an increased guarantee period would only be acceptable if it was combined a shift to a performance-based approach. However, the highly specific guidelines in the Fourth Edition devalue any flexibility derived from the encouragement of innovation and could significantly impact the roll out of broadband networks fundamental in underpinning the economy and a key Government ambition as set out in the FTIR.

Question 2 - Reinstatement guarantee period

Are there any materials not listed in MCHW that are used in street works but could not reasonably be expected to meet a 5-year guarantee period?

Please list

N/A

Question 3 – New materials for easier compaction

Do you agree that permitting new materials that are easier to compact is the correct solution to the long standing issue over air void compliance?

Yes

No

Your comments:

ISPA welcomes the move to include new materials in the code to improve clarity for contractors and allow for greater consistency across regions. The alternative materials will further improve the ability of CPs and their contractors to carry out quality first-time reinstatements as they are better able to choose the most appropriate material in each scenario.

Question 4 – Air void testing

Do you think that the Code should home in on a single test method as either a mandatory or a preferred method?

Yes, mandatory <input checked="" type="checkbox"/>	Yes, preferred <input type="checkbox"/>	No <input type="checkbox"/>
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Your comments:

ISPA would encourage the Government to entirely move away from coring as a testing method and towards a performance-based model which would be a better measure of the quality of a reinstatement over time.

If, however, the Government decides to continue to use coring as a method of testing reinstatements, ISPA members would agree that a single test method should be mandatory. It is critical that the current inconsistency across test methods is reduced and greater clarity is ensured across the country so that the time, disruption and cost of remedial works can be avoided where possible.

Question 5 – Innovation

Do you agree with the code's approach to innovation?

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Your comments:

ISPA's membership is particularly keen to welcome the approach to innovation set out in the Fourth Edition of the SROH. The rollout of telecommunications networks often spans many authorities and regions, which previously made introducing innovative methods across a project particularly difficult. Therefore, the move to allow a technique trialled in one authority to be used across the country without individual trials and negotiations is especially welcome.

ISPA's membership would, however, like to reflect on the potential inconsistency in the Government's flexible approach to introducing new methods and techniques with the increased liability period of five years. This additional guarantee period would increase the risks associated with trialling new methodologies and discourage investment in R&D, stifling innovation. This could have a considerable negative impact on the long-term ability of the UK to keep pace with emerging trends and increase efficiencies.

Question 6 – Micro trenching

Do you agree that micro trenching should be included as an approved reinstatement method in the Code?

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Your comments:</p> <p>ISPA strongly supports the inclusion of micro trenching in the Fourth Edition as this is a key technique for the sector. By reducing the trench widths wherever possible, CPs can greatly reduce the civil engineering costs and this thus acts to incentivise broadband roll-out.</p> <p>The Fourth Edition allows for micro trenching to be carried out in agreement with the local authority. ISPA's Membership would, however, urge Government to approve a national set of standards that can be applied consistently across England. This would considerably increase the impact of including micro trenching in the SROH and derive far greater benefits for CPs by reducing administrative burdens and addressing concerns of authorities about the technique.</p>	

Question 7 – Sub-standard roads

Do you agree with the code's approach to reinstatement in sub-standard roads?

Yes

No

Your comments:

ISPA members welcome the acknowledgement that, in many cases, it is impossible to reinstate sub-standard roads to the required specification. Concerns remain, however, that the fourth edition does not go far enough in clarifying where the responsibility lies when working on a surface already in poor condition.

The new edition is insufficiently prescriptive about where local authorities are liable to contribute to the cost of reinstatement. Too much is left to the discretion of the local authority to interpret the meaning of the code in this regard, which could lead to disparity across regions.

Clear guidelines for local authorities are needed regarding their obligations in cases where deterioration is evident prior to conducting works, and further information regarding the inspection regime that is expected in this case is necessary.

This is particularly critical in light of the proposed change to a five-year guarantee period, as it is not specified whether this would apply to all situations and surfaces. Further guidance on this would be welcomed by ISPA's membership.

Question 8 – Cementitious infills

Do you agree that a one year guarantee period is appropriate for cementitious infills in modular surfaces?

Yes X	No
<p>Your comments: ISPA members would support a reduction in the guarantee period for cementitious infills to one year.</p>	

Question 9 - Familiarisation period			
Do you think the familiarisation period should be 3 months or 6 months?			
3 months		6 months	X
<p>Your comments</p> <p>ISPA members were consistent in the view that six months was necessary to fully implement the changes to the code. Sufficient time is needed to train operatives in the new regulations. Furthermore, many of ISPA's members are large organisations with extensive and complex supply chains; filtering these changes through successfully will take time.</p>			

Question 10 – Any other comments
If you wish to make any other comments, please do so here.
<p>Your comments</p> <p>ISPA members urge Government to clarify the appropriate course of action for reinstatements after mole ploughing within 600mm of the carriageway, as this is currently only outlined with reference to micro trenching.</p> <p>Finally, the proposed SROH does not allow for foam concrete to be mixed on-site despite the considerable cost and haulage efficiencies this could bring. By requiring foam concrete to be plant batched, the materials must be transported on large vehicles regardless of the quantity needed for a reinstatement – often a small amount for telecoms purposes. This has cost implications and diverts resources needed for larger reinstatements unnecessarily.</p>