



Department for
Digital, Culture,
Media & Sport



PUBLIC CONSULTATION

SUPERFAST NORTHAMPTONSHIRE

To further extend coverage of Superfast Broadband across Northamptonshire.

1. INTRODUCTION AND BACKGROUND

Following the approval of its Local Broadband Plan by BDUK in December 2011, Northamptonshire County Council has completed three procurements to progress its implementation, two using the BDUK Broadband Infrastructure Framework, and one using an open OJEU process. The first commenced in October 2012 and resulted in the appointment of BT in March 2013 under a BDUK Framework Call Off Contract. This has extended the coverage of Next Generation Access (NGA) infrastructure for superfast broadband to approximately 90%¹ of premises in the county by the end of 2015, when combined with current and planned commercial deployments. An OMR process and State Aid Public Consultation was undertaken in summer 2012 to inform this procurement process. The Contract awarded to BT involved £8.16m of public funding and was extended to £9.0m in 2014.

The second procurement commenced in late June 2014 and resulted in a second contract with BT (now managed and delivered by Openreach) in November 2014. An OMR process was concluded in May 2014 and the State Aid Public Consultation on the proposed Intervention Area was completed in June 2014. This set out a procurement value of £8.75m public funding. The value of the Contract at award was £7.4m of public investment with the balance of funds available under contract for future investment. This Contract helped to take plans for NGA to approximately 97%² of premises in the county by December 2017, when combined with current and planned commercial deployment.

The third procurement commenced in September 2016 and resulted in the County Council awarding two contracts to Gigaclear in January 2017. An OMR process was concluded in December 2015 and the State Aid Public Consultation on the proposed Intervention Area for Stage 3 was completed in June 2016. This set out a procurement value of up to £10m of public investment. These contracts were expected to take plans for NGA to 98% of premises in the county by December 2018, when combined with existing and planned commercial coverage, the project's Stage 1 and Stage 2 deployments with BT and Openreach, and the two contracts with Gigaclear. These can be viewed on the project website at <http://www.superfastnorthamptonshire.net> 'Working with Openreach' and 'Working with Gigaclear' pages.

¹ Based on data available in December 2015 (pre 2016 OMR outcome) and the OFCOM March 2010 definition of superfast broadband being 24Mbps on which the Superfast Northamptonshire project target is based.

² Based on a minimum NGA speed of 30Mbps and taking into account new baseline premise data and 2016 OMR outcomes.

An interactive '[When and Where](#)' map provides further information on the expected deployment plans for superfast broadband in the county at a premise level, including a postcode and community search facility. The '[Roll Out Schedule](#)' also provides further detailed information on structures deployed and planned to be deployed. This is available on the project's website at <http://superfastnorthamptonshire.net> and will continue to be updated as plans progress.

Building on these committed deployments, the County Council intends to extend the availability of NGA broadband to unserved premises in the county. Interventions will support the achievement of local targets to see at least 99% of premises able to access superfast broadband by March 2021, with 65% of premises able to access Ultrafast (100Mbps) broadband, and by December 2023, 40% of premises should be able to access full-fibre broadband and 75% gigabit capable broadband.

In working towards these targets, the County Council intends to extend the contracts with Gigaclear to deliver additional coverage. The initial procurement and State Aid clearance provided for up to £10m of investment (of which £6.6m was committed when the supplier was appointed). It is the County Council's intention to extend this investment to £11m.

The purpose of this public consultation is to confirm the areas which do not have Next Generation Access (NGA) broadband infrastructure delivering at least 30Mbps, or where there are no plans to provide such infrastructure over the next three years. These are described as "white NGA areas". Northamptonshire County Council intends to target some of these white NGA areas to extend its plans with contracted suppliers deploying solutions for the Superfast Northamptonshire project.

This public consultation is to enable all interested stakeholders - the public, businesses and telecommunications providers - to comment on the proposed white NGA areas which could be targeted by this further investment before further coverage is committed.

Northamptonshire County Council will then submit its final proposals for the NGA white area, taking account of the outcome of the public consultation, to BDUK's National Competence Centre for clearance.

2. TIMESCALES

This State Aid public consultation will be open and run for just over one calendar month until 30th November 2020.

Once the State aid public consultation is complete and the white NGA areas to be targeted have been finalised by the Superfast Northamptonshire project team, a contract change will be agreed between the local body and the Supplier to deliver the extended NGA Superfast Broadband coverage.

3. STATE AID FRAMEWORK AND RULES

This section provides a brief introduction to the State Aid Framework for the purpose of informing responses to the SAPC. Respondents may wish to obtain their own professional/legal advice on the application of the State Aid Framework and rules that relate to this proposal.

The European Commission has published 'EU Guidelines for the application of State aid rules in relation to the rapid deployment of broadband networks' (2013/C 25/01'. These guidelines summarise the principles of the Commission's policy in applying the State aid rules of the Treaty to measures that support the deployment of broadband networks and seek to ensure that State aid schemes for broadband are well-designed so that they target market failures and minimise negative effects on competition.

The guidelines require public interventions to be targeted to limit the risk of crowding out private investments, of altering commercial investment incentives and ultimately of distorting competition.

Planned public interventions can seek State Aid approval directly from the Commission, or (as is the case with this proposal) seek clearance under a national scheme which has been pre-approved by the Commission.

Projects under the 2016 NBS will need to demonstrate their State Aid compliance (in accordance with the terms of the scheme) to receive clearance from BDUK's National Competence Centre.

The Commission's guidelines distinguish between two types of broadband networks, namely basic broadband and NGA networks.

Basic broadband networks are generally those based on currently widely deployed technologies such as fixed wired telephony networks (using ADSL/ADSL2+ technologies), non-enhanced cable TV networks (e.g. DOCSIS 2.0), mobile networks (2G/3G (UMTS)), some fixed wireless access (FWA) networks, and satellite networks.

NGA networks rely wholly or partly on optical elements (optical fibre) and capable of delivering an enhanced broadband capability compared to existing basic broadband networks. Current qualifying NGA technologies are fibre-based networks (FTTx), advanced upgraded cable networks (DOCSIS 3.0) and certain advanced wireless access networks capable of delivering reliable high speeds.

Guidance on the characteristics of qualifying NGA technologies is available from BDUK.

The Commission's guidelines also require that public intervention should be able to ensure a 'step change' in broadband availability. This is demonstrated by:

- Significant new investments in the broadband network;
- The new infrastructure brings significant new capabilities to the market in terms of broadband service availability and capacity, speeds and competition;

The 'step change' in broadband availability shall be compared to that of existing as well as concretely planned networks. The Commission's guidelines also distinguish between geographic areas on the basis of their existing or planned broadband infrastructure:

- 'White' areas are those in which there is no qualifying broadband infrastructure, and none is likely to be developed within 3 years;
- 'Grey' areas are those where only one network is present or is to be deployed within the coming 3 years; and
- 'Black' areas are those where at least two networks of different operators exist or will be deployed in the coming 3 years.

This geographic mapping of White/Grey/Black areas is carried out separately in relation to basic broadband and NGA networks. NGA networks are mapped on the basis that, amongst other things, they have substantially higher upload speeds (compared to basic broadband networks) and are able to deliver broadband services at an access (download) speed of more than 30Mbps.

4. PROPOSED INTERVENTION

In the absence of consistent premise level data from all broadband infrastructure operators in response to an Open Market Review which concluded in October 2019, Northamptonshire County Council has mapped areas as white, grey or black at a postcode level, using the following criteria:

For basic broadband:

- A postcode is turned grey if there is only one broadband infrastructure operator providing basic broadband services (with speeds greater than 2Mbps) to that postcode.
- A postcode is turned black if there are at least two broadband infrastructure operators providing basic broadband services (with speeds greater than 2Mbps) to that postcode.
- All other postcodes remain white.

For NGA:

- A postcode is turned grey if there is only one broadband infrastructure operator providing NGA services (with speeds greater than 30Mbps) to that entire postcode.
- A postcode is turned black if there are at least two broadband infrastructure operators providing NGA services (with speeds greater than 30Mbps) to that entire postcode.
- All other postcodes remain white.

In addition, the proposed intervention area includes a number of “under review” areas (coloured blue on the map). These areas have been indicated to have current or planned commercial coverage for NGA broadband, but are deemed to be areas ‘at risk’ (or have otherwise been deemed by Northamptonshire County Council as being ‘at risk’) of not delivering NGA broadband. These areas will be subject to continued monitoring and verification of the supplier’s network and services to deliver NGA broadband within the 3-year period and in the event that NGA broadband is not achievable to any premises then these premises will be mapped as NGA white and form part of the proposed intervention area and eligible for intervention via this aid measure.

The outcome of the OMR is summarised in terms of NGA White, Grey, Black and “under review” premises in NGA White, Grey and “under review” postcodes.

Postcode NGA Classification	Total postcodes	Total Black premises	Total Grey premises	Total Under Review premises	Total White premises
Black	296	2,925	0	0	0

Grey	11,257	3,343	232,817	0	0
Under Review	3,187	1,141	50,319	34,403	0
White	1,923	1,183	20,696	1,892	11,883
Total	16,663	8,592	303,832	36,295	11,883

It should be noted that whilst this consultation includes mapping of basic broadband coverage, the further investment will not deploy basic broadband technologies. The extension of the County Council's plans will ensure, so far as possible, that areas served by basic broadband networks are only overbuilt by NGA broadband infrastructure where the premises will receive over 30Mbps or at least a doubling of speeds, in accordance with the requirements of the 2016 NBS. Where doubling is not possible, the supplier will be obliged to demonstrate that the design is optimised to limit the overbuild of existing basic broadband networks with speeds that are below 30Mbps.

5. RESPONDING TO THIS STATE AID PUBLIC CONSULTATION

Northamptonshire County Council is requesting information and supporting evidence in relation to basic and NGA broadband infrastructure within the project area and wish to hear from all relevant stakeholders, particularly in relation to areas to be targeted as part of the NGA intervention area at Annex 1. Relevant stakeholders include broadband infrastructure operators, local residents and businesses in the county.

For the avoidance of doubt, there is no need to respond to this public consultation if you have no comment to make.

If the response is from an infrastructure operator on the proposed eligible areas for re-investment within the attached maps or data, then the submission should also include the specific information set out in Section 5.

All responses to this consultation should be submitted by email to Northamptonshire County Council at bigidea@northamptonshire.gov.uk and clearly marked in the subject title 'State Aid Public Consultation'.

Please ensure that you confirm the following in your submission:

- Your organisation's name (if applicable)
- Your address or your organisation's address
- Your name
- Position
- Contact telephone number
- Email Address

If you are unable to respond by email, you can respond by post, marked as 'private and commercial confidential' to:

Northamptonshire County Council
 Superfast Northamptonshire (State Aid Public Consultation)
 Directorate for Place Commissioning

One Angel Square
Angel Street
Northampton
NN1 1ED

The County Council will arrange for infrastructure operators to sign and return an Ordnance Survey PSMA Contractor licence to grant operators, on request, access to detailed premise level information. This is a requirement of the County Council's license with Ordnance Survey in order to share the base data with operators. Please ensure that the relevant company details are provided where highlighted in the Contractor license document before returning it.

Once this is done, the County Council will arrange access to the Response Template (or subset thereof if you are reporting on a specific area) and to a spreadsheet with details of all premises in the intervention area. The County Council also requests confirmation from an authorised signatory that the information provided is suitably accurate and up to date.

All detailed template responses by operators should be submitted within the consultation timescales and in accordance with the address instructions above.

Responses received after the consultation closes at noon on 30th November 2020 may not be considered.

Please note that the data you provide in your response will be treated as commercially confidential to your organisation. However, it may be necessary to share/some all of your response data with our professional advisers Farrpoint and/or DCMS/BDUK, Ofcom, the National Competence Centre and the European Commission in the course of seeking State Aid approval.

It should also be noted that it is a State Aid requirement to use this information to produce State Aid maps to define white, grey and black areas for basic and NGA broadband. However, the published maps will show the aggregated White/Grey/Black NGA and Basic Broadband areas, not the data provided on a per-operator basis. The final maps that will be used for the purpose of extending contracted deployed services will be published shortly after the conclusion of this State Aid Public Consultation and once approved by the National Competence Centre.

If you have any questions about any of the above, please contact the County Council's Superfast Northamptonshire team by email via bigidea@northamptonshire.gov.uk.

6. INFORMATION REQUESTED

This section specifies the information you are requested to provide in response to this State Aid Public Consultation in relation to the presence of broadband infrastructure.

The County Council is requesting information on, and supporting evidence for, any current or planned (within the next 3 years) investment in broadband infrastructure in the project area, where this may not be already included within the proposed NGA and Basic broadband intervention area maps attached.

For any current or planned coverage not included within the proposed State Aid intervention areas shown on the attached map, the County Council is requesting information at premise level, using a template issued by the County Council, to show

existing or planned coverage by your broadband infrastructure investment. By 'covered' (or 'passed') the County Council means that fixed network infrastructure is or will be available to the premises, potentially subject to a final drop connection, or that the premises are able to receive a suitable quality radio signal over the air interface, potentially subject to the installation of a suitable antenna.

Any information provided in response to this State Aid Public Consultation should include, but need not be limited to:

- Detailed maps for NGA broadband showing existing and planned coverage, for at least the next 3 years.
- Details of premises covered or passed that fixed network infrastructure is or will be available to the premises within the next 3 years, potentially subject to a final drop connection, or that the premises are able to receive a suitable quality radio signal over the air interface, potentially subject to the installation of a suitable antenna.
- A detailed description of the technology solution(s) deployed (or to be deployed) in your broadband infrastructure, demonstrating how they meet the minimum standards as set out in the BDUK NGA Technology Guidelines.
- A description of the services/products currently offered, and separately those services/products to be offered within the next 3 years.
- Installation, annual/monthly subscription, and additional volume or per-service tariffs for those services/products (identifying whether such tariffs are inclusive or exclusive of VAT).
- Upload and download speeds typically experienced by end-users, and how these may vary by factors such as distance, increased take-up or demand, contention, etc.
- Appropriate indicators of the quality of services (e.g. contention ratios, bandwidth allocation per user, etc.), including any characteristics (e.g. latency, jitter) that are required to support advanced services such as video conferencing or HD video streaming.
- Evidence to substantiate actual or planned coverage claims, including business cases and evidence of available funding to enable plans to be fulfilled.
- Details and planned timing of roll-out of any future investments, including further investments required to cope with future increases in take-up or demand.

Please supplement the required information above with any supporting evidence as you consider appropriate (e.g. links to public websites).

ANNEX A:

