

## **PUBLIC CONSULTATION**

### **Better Broadband for Norfolk Project**

#### **Update to existing project to further extend coverage of Next Generation Access (NGA) Broadband across the Norfolk area.**

#### **1. INTRODUCTION AND BACKGROUND**

Better Broadband for Norfolk has requested an assessment by the Supplier to model additional coverage to replace properties that were planned but have recently been identified as ineligible for public subsidy. This will result in 500 premises being delivered as replacements for 500 premises that were planned, but that are now ineligible.

The total aid amount awarded under the contract was £12,688,347. Better Broadband for Norfolk will not invest further, instead the NGA broadband infrastructure (capable of delivering download speeds of at least 30 Mbps) necessary will be delivered within existing contracted funding. In the Programme Area where such broadband is currently unavailable, by 2024. Geographically, Better Broadband for Norfolk covers all Norfolk.

Better Broadband for Norfolk completed its original public consultation under the National Broadband Scheme for the United Kingdom (referred to hereafter as the 2016 NBS) in June 2018.

Following completion of the public consultation, Better Broadband for Norfolk completed an open procurement in respect of the remaining area without NGA broadband infrastructure (known as “white NGA”), which comprised around 22,850 premises. It awarded contract to BT Openreach.

As set out under paragraph 89 of the 2016 NBS, Better Broadband for Norfolk wishes to include further coverage within the scope of the existing intervention area. Better Broadband for Norfolk needs to ensure that the further coverage proposed continues to target NGA white areas. Therefore, it is required to run a new mapping and public consultation exercise for the area concerned as more than three years have lapsed since the public consultation for the whole intervention area identified in the tender.

## **2. MARKET ENGAGEMENT AND ANALYSIS OF EXISTING COVERAGE**

Better Broadband for Norfolk conducted an OMR between November 2017 and January 2018 to establish existing and planned (within the 3 years) coverage of broadband infrastructure across the Better Broadband for Norfolk Area. This included both commercial coverage by existing and prospective NGA broadband infrastructure providers and coverage procured under Better Broadband for Norfolk's existing contracts with BT Openreach. A public consultation was subsequently published to determine the intervention area and enable Better Broadband for Norfolk to target white areas with public funds. The public consultation closed in June 2018 and enabled targeting of public funds for 3 years from closure.

Better Broadband for Norfolk contacted all known broadband infrastructure operators within the Programme Area and other providers known to have (or potentially having) plans to deploy new networks across the UK with a formal request for information. The OMR and public consultation were publicised through the Better Broadband for Norfolk website. Operators were requested to provide information on their existing and planned NGA broadband infrastructure (capable of delivering download speeds of at least 30 Mbps), and to provide detail of their coverage at a premise level so as to enable greater granularity of mapping.

This information, together with Better Broadband for Norfolk's own data sources, was used to define the existing intervention area for the existing project.

This further public consultation sets out the existing intervention area, so as to enable all interested stakeholders (including the public, businesses, internet service providers and broadband infrastructure operators) to comment on the proposals. In particular, this provides an opportunity for broadband infrastructure operators to review Better Broadband for Norfolk's mapping to ensure that it correctly represents the information provided by them in the course of the original OMR and public consultation completed in October 2016.

All responses to the public consultation will be carefully considered and where necessary will be incorporated into the final map of the intervention area. The final intervention area maps and a summary report confirming details of the changes made to the existing intervention area will be published on the Better Broadband for Norfolk website shortly after the close of the consultation period. Where responses to the consultation are received, Better Broadband for Norfolk will respond to these and provide an explanation of how the information submitted has been treated. The finalised intervention area will then be submitted to BDUK's National Competence Centre (NCC) for approval against the State aid Framework.

### 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 public consultation. 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).<sup>1</sup> 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 so as 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) in order 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 (eg 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 are 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.<sup>2</sup>

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:025:0001:0026.EN.PDF>

\*Delete if procurement portal not used.

<sup>2</sup> <https://www.gov.uk/government/publications/2016-nbs-tech-guidelines>

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<sup>3</sup>;

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.

NGA networks are mapped on the basis that, amongst other things, they have substantially higher upload speeds (compared to basic broadband networks)<sup>4</sup> and are able to deliver broadband services at an access (download) speed of more than 30Mbps.

Public intervention can only take place in white NGA areas under the 2016 NBS. White NGA areas are those in which there are no NGA networks and none is likely to be developed within the next 3 years.

#### **4. EXISTING INTERVENTION**

Better Broadband for Norfolk has used premises level data from and has mapped premises as white, grey or black, using the following criteria:

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<sup>3</sup> See Footnote 66 of the Commission's Guidelines - this sets out that the subsidised network should be pro-competitive (i.e. allow for effective access at different levels of the infrastructure).

<sup>4</sup> Substantially higher upload speeds means at least a doubling of the maximum upload speed available on current generation access network(s) for given 'up to' packages available on basic broadband networks in the relevant intervention area.

For NGA,

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

The mapping analysis has identified remaining 'white NGA' areas as set out below:

	Number of Postcodes	Number of Black Premises	Number of Grey Premises	Number of White Premises
White	135	0	0	500

Better Broadband for Norfolk intends to extend coverage to target the remaining 'white NGA' areas using its existing contract with BT Openreach under the 2016 NBS (and in accordance with the Public Contracts Regulations 2015). This will be delivered within the current level of public funding already committed via the existing contract.

## 5. Timescales

This consultation will be open until 12<sup>th</sup> August 2021

Once the consultation is closed and Better Broadband for Norfolk has finalised the intervention areas, additional NGA broadband coverage will be targeted to the premises set out in the public consultation via its existing contract. The related extended deployment plans for broadband infrastructure will take place during the existing deployment timescale, concluding summer 2023.

## 6. State Aid Public Consultation

The EU Guidelines (at paragraph 78) and the 2016 NBS set out the requirements to hold a public consultation in order to validate the intervention area mapping by allowing all interested stakeholders an opportunity to comment on the planned aid measure.

The purpose of this document is to fulfil those requirements by publishing a description of the existing aid measure, and seeking feedback from all interested stakeholders. The mapping for NGA broadband are shown in the attached map. The attached map of the NGA broadband Intervention Areas relies on the definitions of white, grey and black areas, as set out in the EU Guidelines (and as summarised above). Better Broadband for Norfolk will only target the areas identified as White on the map.

This State aid public consultation and the existing NGA broadband Intervention Area map are available to all stakeholders on the Superfast Broadband website at [Better Broadband for Norfolk - Norfolk County Council](#) and will also be available via BDUK's website at [BDUK Table of local broadband projects](#).

## **7. Responding to this State Aid Public Consultation**

Better Broadband for Norfolk 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 (including residents, businesses as well as broadband infrastructure operators), particularly in relation to areas to be targeted as part of the NGA intervention area at Annex [A].

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

For residents and businesses, where this relates to the ability to receive an NGA service, any information provided in response to this State Aid public consultation should as a minimum include (but need not be limited to) the address of the property or area that the submission relates to and the nature of the concern.

If the response is from an infrastructure provider and comments on the white, grey and/or black or under review classifications within the attached maps or data, or on the wholesale products to offered via the subsidised network, then the submission should also include the specific information set out in Section 8.

For all submissions, Better Broadband for Norfolk would be grateful if you would contact Better Broadband for Norfolk to register your intention to submit a response and could confirm in your submission the following:

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

Better Broadband for Norfolk will then arrange access to the Response Template (or subset thereof if you are reporting on a specific area).

Better Broadband for Norfolk also requests confirmation from an authorised signatory that the information provided is suitably accurate and up to date.

Please send your responses no later than 12<sup>th</sup> August 2021 to:

Better Broadband for Norfolk Project Team

C/O: [bbfnpublicenquiries@norfolk.gov.uk](mailto:bbfnpublicenquiries@norfolk.gov.uk)

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 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 areas, not the data provided on a per-operator basis. The final maps that will be used for procurement purposes 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 Better Broadband for Norfolk by email as above.

## **8. 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.

Better Broadband for Norfolk is requesting information on, and supporting evidence for, any current or planned (within the next 3 years) investment in broadband infrastructure in the Better Broadband for Norfolk Area, where this may not be already included within the existing NGA intervention area map attached.

For any current or planned coverage not included within the existing State aid intervention areas shown on the attached map, Better Broadband for Norfolk is requesting information at premise level, using the template issued by Better Broadband for Norfolk to show existing or planned coverage by your broadband

infrastructure investment. By 'covered' (or 'passed' Better Broadband for Norfolk 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).

Better Broadband for Norfolk would also be interested to hear from operators their views as to the types of wholesale access products they would like to see offered on any newly created subsidised NGA network infrastructure. This information may inform the



intervention design. Please note that we are not obliged to include these products in the invitation to tender (unless already required under any State aid Decision)<sup>5</sup>.

## **8. Next Steps**

Following any responses received to this State Aid public consultation by the closing date of 12<sup>th</sup> August 2021, Better Broadband for Norfolk plans to publish the final Intervention Area maps shortly after the close of the consultation period.

Information about the Better Broadband for Norfolk Programme can be found at:

[Better Broadband for Norfolk - Norfolk County Council](#)

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<sup>5</sup> Operators will still be able to request new forms of access products on the subsidised NGA network infrastructure through the formal general access provisions under the terms of a future State aid Decision.

## Annex A

### Premises data List 1:

UPRN	Contract 3 POSTCODE
2630101903	NR93LW
2630101904	NR93LW
2630101905	NR93LW
2630101906	NR93LW
2630101907	NR93LW
2630101908	NR93LW
2630101909	NR93LW
2630102052	NR93LZ
2630102053	NR93LZ
2630102054	NR93LZ
2630102056	NR93LZ
2630102058	NR93LZ
2630102528	NR148SJ
2630106477	NR47TN
2630106478	NR47TN
2630111188	NR46XZ
2630111189	NR46XZ
2630111190	NR46XZ
2630111192	NR46XZ
2630111194	NR46XZ
2630112003	NR46XP
2630112091	NR46XT
2630112095	NR46XT
2630124905	NR94NQ
2630124906	NR94NQ
2630125822	NR94PP
2630125823	NR94PP
2630125881	NR94NN
2630125887	NR94NN
2630125925	NR94PN
2630125926	NR94PN
2630126177	NR46TZ
2630130578	NR152LL
2630130626	NR152QU
2630152850	NR93LR
2630155374	NR93LR
2630155927	NR46XP

2630157228	NR148SJ
2630160368	NR93JB
2630160369	NR93JB
2630170928	NR94NN
2630171418	NR152LN
2630171695	NR152LL
2630173122	NR94PP
2630173222	NR46US
2630175214	NR152AG
2630175295	NR94PP
2630176620	NR152QU
2630181099	NR94PN
2630183631	NR93LZ
2630189026	NR94AL
10000024130	PE317LH
10000031284	PE149BL
10000031335	NR219LE
10000032321	PE147DD
10000034821	PE318PU
10000045526	PE147DD
10000047584	PE147DD
10000053204	PE316SQ
10000053205	PE316SQ
10000053206	PE316SQ
10000054046	NR219LF
10000056106	PE147DD
10000057587	PE149BL
10000057793	PE318PU
10000058730	PE317LH
10000058731	PE317LH
10000058732	PE317LH
10000058733	PE317LH
10000058735	PE317LH
10000058771	PE317LH
10000058792	PE317LH
10000058793	PE317LH
10000058794	PE317LH
10000058800	PE317LH
10000058801	PE317LH
10000058991	PE321UG
10000058992	PE321UG
10000058993	PE321UG
10000058994	PE321UG
10000058995	PE321UG

10000058996	PE321UG
10009922574	NR95JW
10009924275	NR136JY
10010493858	NR118JU
10010493928	NR118JX
10011959305	NR192DG
10011959306	NR192DQ
10011959307	NR192DQ
10011959308	NR192DQ
10011959310	NR192DQ
10011959311	NR192DQ
10011959312	NR192DQ
10011962669	NR171QF
10011962672	NR171QF
10011963051	NR171NH
10011963055	NR171NH
10011963057	NR171NH
10011963091	NR171NH
10011963092	NR171NH
10011964010	IP222SW
10011965805	NR204NU
10011967730	NR94PP
10011967983	NR171AG
10011967995	NR171AH
10011968008	NR171AH
10011968012	NR171AH
10011968014	NR171AG
10011969296	PE322BX
10011970279	NR171AG
10011970362	NR192NR
10011970363	NR192NR
10011970991	IP256QT
10011970993	IP256QT
10011971302	IP222NJ
10011971327	PE378LL
10011971346	PE378LL
10011972526	PE322TH
10011973884	NR171AG
10011974553	NR191DZ
10011985625	NR191FH
10011985626	NR191FH
10011985627	NR191FH
10011988934	NR171GW

10011989069	NR171GW
10011989070	NR171GW
10011989071	NR171GW
10011989072	NR171GW
10011989073	NR171GW
10011989074	NR171GW
10011989075	NR171GW
10011989076	NR171GW
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10011989083	NR171GW
10011989172	NR171GN
10011989173	NR171GN
10011989174	NR171GN
10011989180	NR171GU
10011989205	NR171GU
10011989206	NR171GU
10011989207	NR171GU
10011989209	NR171GU
10011989217	NR171GF
10011989218	NR171GU
10011989219	NR171GU
10011989220	NR171GU
10011989903	NR192DQ
10011990093	NR171AG
10011990749	NR171NQ
10011992018	NR192NR
10011993005	NR191DZ
10011993765	IP256QT
10011993766	IP256QT
10011993767	IP256QT
10011994275	PE322TH
10012996664	PE322BN
10012996665	PE322BN

10012996666	PE322BN
10012996667	PE322BN
10013000996	PE380HN
10013009791	PE321UG
10013009792	PE321UG
10014351777	NR134QB
10014353374	NR134FE
10014356455	NR134QB
10014356459	NR95JL
10014357665	NR136JP
10023455802	NR210LF
10023456651	NR118JU
10023461521	NR319AX
10023664122	NR257HW
10023665513	NR280JB
10023665723	NR217RF
10023665724	NR217RF
10023665725	NR217RF
10023665726	NR217RF
10023665727	NR217RF
10023665753	NR217RG
10023665754	NR217RG
10023665755	NR217RG
10023665756	NR217RG
10023665757	NR217RG
10024105972	PE321UG
10034791409	NR118EZ
10034791931	NR289NN
10034791935	NR289NN
10034793288	NR289AJ
10034793289	NR289AJ
10034793293	NR289AJ
10034793298	NR289AJ
10034793299	NR289AJ
10034793302	NR289AJ
10034797102	NR118LF
10034797119	NR289SH
10034797120	NR289SH
10034797121	NR289SH
10034797122	NR289AJ
10034807443	NR105AQ
10034810623	NR289NW
10034813456	NR280JB
10034819958	NR217RQ

10070048825	PE317LH
10090916649	PE147DD
10090916929	PE317LH
10090917392	PE149BL
10090917843	PE147AZ
10090917880	PE380HL
10090918889	PE318PX
10091821460	NR152LN
10091943146	NR191DZ
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100090771570	NR191BJ
100090771571	NR191BJ
100090771572	NR191BJ
100090772160	NR191DZ
100090772161	NR191DZ
100090822479	NR136JH
100090855542	NR294LX
100090855543	NR294LX
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100090855661	NR294LU
100090856903	NR294LY
100090864610	NR219NQ
100090864611	NR219NQ

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100090876014	NR280PF
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100090977797	PE344BJ
100090980573	PE344BQ
100090980574	PE344BQ
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100090980579	PE344BQ
100090980580	PE344BQ
100090980581	PE344BQ
100090996082	PE149BL
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100091304865	NR171BG
100091304867	NR171BG
100091304979	NR171BE
100091304993	NR171BE
100091304994	NR171BE
100091306392	NR191QF
100091306395	NR191QF
100091306403	NR191QF
100091306404	NR191QF
100091306412	NR191QF
100091306417	NR191QF
100091306422	NR191QF
100091306585	NR191BJ
100091307271	NR204NT
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100091307572	NR192QY
100091307573	NR192QY
100091307574	NR192QY
100091312876	NR205QN
100091315030	NR136JP
100091316141	NR134QB
100091316142	NR134QB
100091316144	NR134QB
100091316145	NR134QB
100091316146	NR134QB
100091316151	NR134QB
100091316152	NR134QB
100091316153	NR134QB
100091316155	NR134QB
100091316160	NR134QD
100091316167	NR134QB
100091316168	NR134QB
100091316173	NR134QB
100091316174	NR134QB
100091316956	NR116UG
100091326116	NR219NQ
100091328563	NR257HW
100091328564	NR257HW
100091334276	NR105AQ
100091334727	NR118JU
100091334728	NR118JX
100091334729	NR118JX
100091334730	NR118LF
100091334731	NR118LF
100091334732	NR118JU
100091334733	NR118JU
100091334734	NR118JX
100091334735	NR118JX
100091334736	NR118JX

100091334737	NR118JU
100091334739	NR118JX
100091334741	NR118JU
100091334742	NR118JU
100091334743	NR118JX
100091334745	NR118JX
100091334747	NR118JX
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100091359359	PE147SA
100091359376	PE147SA
100091359384	PE147SA
100091360954	PE147BP
100091360955	PE147AZ
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100091546197	NR134EF
100091546271	NR134EF
100091549719	NR171YE
100091549745	NR171BE
100091549780	NR171NQ
100091549783	NR171NQ
100091549784	NR171NH
100091549785	NR171NQ
100091549786	NR171NQ
100091549787	NR171NQ
100091549981	NR171BE
100091551382	NR191DZ
100091551497	NR191DZ
100091551652	NR191DZ
100091551653	NR191DZ
100091551924	NR192QY
100091552095	NR192QY
100091552096	NR192QY
100091558572	NR280PG
100091566347	NR319AX
100091641441	NR171BG
200002443506	PE149BL
200002759742	NR171NQ
200002759747	NR171NQ
200002760125	NR219NQ
200004287319	NR95JL
200004287320	NR95JL

200004288594	NR134QB
200004441279	NR293JF
200004462623	NR136JP
200004462625	NR136JP
200004462911	NR116UE
200004463863	NR95JW
200004464242	NR95JW

Premises data List 2:

<b>UPRN</b>	<b>Contract 3 POSTCODE</b>
<b>2630101548</b>	NR94AR
<b>2630120231</b>	NR340LL
<b>2630120241</b>	NR340LL
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