

# Fibre to the Premises

Supplementary Planning  
Document

Consultation Statement



## Introduction

This consultation statement has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and Ashford's adopted Statement of Community Involvement (SCI) 2020.

This statement sets out the details of the consultation undertaken on the preparation of the council's draft Fibre to the Premises (FTTP) Supplementary Planning Document (SPD).

## Context

The council's adopted local plan, the Ashford Local Plan to 2030, includes a policy that aims to promote FTTP on new business and residential developments across the borough (Policy EMP6 *Fibre to the Premises*).

The aim of the SPD is to provide further guidance to applicants on how they can meet the criteria of the policy in order to make their development proposals acceptable.

The SPD has involved a process of 'soft-market' testing with external consultants Analysys Mason and their industry contacts.

Informal discussions were also held with teams at Kent County Council regarding physical and economic aspects of the proposed infrastructure delivery.

The draft SPD was formally consulted on in spring 2020 for an 8-week period.

## Compatibility with the Statement of Community Involvement

The Council's Statement of Community Involvement (SCI) was adopted in March 2020. The SCI outlines that the council is committed to effective community engagement, and seeks to use a wide range of methods for involving the community in the plan-making process. It identifies the key groups that the Council seeks to consult with; the underlying intention being to engage with anyone who has an interest in the future of the borough, as a place to live, work or visit.

The Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe a series of "Specific and General Consultation Bodies" that the Council should consult with during consultations. The list, provided in Appendix 1, names the specific organisations and other bodies that the Council consider to have an interest in the preparation of planning documents within Ashford.

# Consultation spring 2020 (6<sup>th</sup> March 2020 – 1<sup>st</sup> May 2020)

## Formal consultation documents

During the eight-week period the draft SPD was available for public consultation. The documents were also made available for viewing online on the Council's website at [www.ashford.gov.uk/consult](http://www.ashford.gov.uk/consult)

Hard copies of documents, including supporting documentation, were made available for viewing at the following deposit points:

- Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
- Ashford Gateway, Church Road, Ashford, Kent, TN23 1AS
- Charing Library, Market Place, Charing, Ashford, TN27 0LR
- Tenterden Gateway, 2 Manor Row, Tenterden, TN30 6HP
- Wye Library, 6 Upper Bridge Street, Wye, Ashford, TN25 5AF

## COVID-19 impact

National lockdown resulting from the COVID-19 pandemic measures started on 23 March 2020. Public places, including the consultation viewing places, were closed and the hard copies of the SPD were unavailable to view at these locations. The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 temporarily removed the requirements on the local planning authority to make the documents available for public inspection at the viewing locations. The documents were, however, still available online via the Consultation Portal.

## Means of representation

The Council encouraged comments to be made online via its Consultation Portal – 'Have your Say', at [www.ashford.gov.uk/consult](http://www.ashford.gov.uk/consult)

The consultation also gave the option of submitting representations in writing on a specific representation form (see Appendix 3). This was made available to those who requested it from the council's offices.

It was advised that forms should be returned to the Planning Policy Team, Planning and Development, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL or via email to [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk)

Consultee letters and emails providing details of the consultation were sent to the following groups:

- Specific Consultation Bodies
  - Parish Councils and Community Forums within and adjoining Ashford Borough
  - Statutory Organisations
  - Neighbouring District Authorities and County Councils
  - Infrastructure and Environmental Organisations

- Telecommunications Operators
- Other Local Authorities
- Other Transport Consultees
- Other Specific Consultees
- General consultees

A copy of this letter can be found in Appendix 2. The specific names of the bodies consulted is provided in Appendix 1.

### News release and adverts (formal and informal)

News releases were produced by the Council and placed onto the Council’s social media and the Council’s website.

Reminders were also sent to everyone invited via email to the consultation 1 week before the consultation closed.

## Outcomes

Upon closure of the public consultation on the draft SPD, a total of 7 representations had been received. These were analysed by the officers over the subsequent months.

Representations have been received from the following consultees:

BUUK	Kent County Council
Callum Knowles	Michael Burgess
G Coleman	Smeeth Parish Council
Highways England	

## Summary of Representations – Main Issues

This section includes a schedule of the representations received, the officer responses and proposed changes in Table 1. These changes have been shown in Appendix 4.

Table 1 Representations received in the spring 2020 consultation

Name	Support/ Object/ Omission	Representation	Officer response	Officer proposed changes
Cllr Knowles	Support	FTTP is needed to future proof developments within the borough for all new manners of future technology. The current COVID19 crisis has highlighted the requirement for video conferencing for medical use and for staying in contact with friends and family.	We support the comments.	None.
G Coleman	Support	Irrespective of government guidelines, in light of current and future technology advances, if Ashford is to remain a destination of choice for both business & residential the council should ideally aim for 100MB connectivity along with insisting that 5G technology be rolled out with existing & new developments in both zone A & zone B (which should really be amalgamated into one zone). There is no reason that this should not be achievable or add any additional cost to implementation, if you insist on it. With regard to zone C, this should aim for a minimum of 60Mb, where not possible then emphasis should be on 5G connectivity as a minimum.	We have noted the comments, however the scope of the SPD is limited to Policy EMP6 and the details within the policy. An SPD does not propose alterations to the adopted policy, and therefore the SPD does not address other elements or technologies, such as 5G. We accept that technologies continually advance and that there may be a need to adapt at a future point. Speed considerations and 5G will form part of a wider strategy for the Council's future consideration, but the focus of the SPD will be limited to FTTP.	None.
Highways England		Dear Sirs	We note the comments made by Highways England and propose minor changes to the document. This will include an	Change 3: Insert new paragraph (paragraph 60).

		<p>Thank you for consulting Highways England on 9 March regarding the above, seeking a response no later than 1 May 2020.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M20 and A2070 in the vicinity of Ashford Borough.</p> <p>We note the contents of the draft SPD.</p> <p>For the sake of clarity and avoidance of doubt, we would suggest including text in the final document regarding any works that could affect the SRN.</p>	<p>element in the Highways section of the SPD to explain the information raised in this representation, see change 3.</p>	<p><b><u>Highways England is the highway authority, traffic authority and street authority for the strategic road network (SRN). Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M20 and A2070 in the vicinity of Ashford Borough. Any activity on the SRN falls in the realms of New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) and any works promotor will need to abide by these. In particular there are restrictions with regards motorways and other special roads. Even works on adjacent land may be restricted. For more information please visit the <a href="http://www.highwaysengland.co.uk">Highways England website</a> or contact Highways England (tel: 0300 123 5000, email: <a href="mailto:info@highwaysengland.co.uk">info@highwaysengland.co.uk</a>)</u></b></p>
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		<p>Any activity on the SRN falls in the realms of New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) and any works promotor will need to abide by these. In particular there are restrictions with regards motorways and other special roads. Even works on adjacent land may be restricted; for example, in order to avoid any distraction or danger for travellers by virtue of the installation, use or maintenance of fibre related equipment. Therefore, works promoters are advised to contact Highways England at the earliest opportunity to ensure that any proposed works that could affect the SRN are acceptable and deliverable both in principle and in practice.</p> <p>We hope that these comments assist and look forward to receiving a final version of the SPD.</p>		
Cllr Burgess	Support	<p>Please could the responsibility of the maintenance of the network be added to the SPD.</p> <p>Also compatibility of systems between different suppliers to ensure usefulness by users and equipment suppliers.</p>	<p>We note the comments, however these matters cannot be addressed in the limited scope of the SPD. The responsibility of the maintenance and compatibility of the fibre network is not addressed within policy EMP6 and therefore not within the scope of the SPD.</p>	None.

Smeeth Parish Council	Support	<p>Good morning</p> <p>Smeeth Parish Council welcomes the opportunity to comment on this document and is supportive of the initiative to secure advanced and high quality communication infrastructure in new build developments.</p>	We note the comments.	None.
BUUK	Object	<p>Thank you for the opportunity to respond to your Fibre to the Premises Supplementary Planning Document. Due to the text box limitation on the portal questionnaire form, I have provided the text below via email as recommended by the Council's website. Whilst being supportive of the aspirations there are a number of points that we would bring to your attention and hence the reason for identifying an objection.</p> <p><b>General statement</b></p> <p>BUUK has been building Open Access FTTP fibre networks supporting Gigabit services at new build sites via its Group companies, GTC, Metropolitan and Power On Connections for more than 10 years, this includes many sites in the Ashford Area. BUUK agrees with Ashford's aspirations for ensuring all new developments are connected to a full fibre infrastructure for broadband and telecoms services. In line with recent DCMS publications these services should, wherever practically possible, provide</p>	<p>We note the comments made and welcome BUUK's support of the overall aims of the SPD. Our comments are as follows:</p> <p><b>Statement 24</b></p> <p>We note BUUK's position and will include their contacts on the provider list, see change 5. This list currently contains providers that are already active within the borough and will be able to provide engagement with the developers. It should be noted that this is not an exhaustive list and does not exclude other providers from engaging and working in the area. We propose to include a paragraph to state that the Council does not endorse the companies mentioned in the table and that developers should assess the market before choosing a developer, see change 6. We are also proposing to set up a</p>	<p>Change 5: Section 7 Table: Insert new row on table Provider – BUUK</p> <p>Table Contents:</p> <p><b>BUUK Ltd</b> <a href="https://www.buuk.co.uk/contact-us">https://www.buuk.co.uk/contact-us</a> <b>0135 924 0363</b></p> <p>Change 6: Insert new paragraph 65.</p> <p><b><u>Ashford Borough Council does not endorse the companies mentioned above and would suggest developers assess the whole market and make their own decision. Other companies are available however the list above are companies that are in contact with the council or are operating in or near the</u></b></p>

		<p>gigabit services to the new properties from day one of occupation.</p> <p><b>Statement 24</b></p> <p>There are a significant number of active telecoms infrastructure providers operating throughout the UK, including the South East of England. It appears inappropriate for the Council, which is subject to public procurement rules, to be signposting potential new build developers to specific service providers. We would suggest that you either refer to all potential suppliers of fibre infrastructure to new homes or do not mention any at all. It is for the individual developers to assess the market and make their choices based on a range of commercial and service-based criteria.</p> <p><b>Statement 52 - Item (d)</b></p> <p>often the FTTP provider is not contracted until on or around the time planning approval has been granted. This is because developers do not want to make a contractual commitment to infrastructure providers before they have certainty that the scheme is going to progress. Therefore, at this stage, it is not necessary to provide a detailed layout and network design.</p> <p>Whilst general non site specific FTTP network architecture can be provided, the detailed site designs are unlikely to have been completed at this point. This in no</p>	<p>'live' list of suppliers on our website to ensure that all providers which wish to be made visible can be contacted. We propose to also remove paragraph 24 which references Openreach and other named providers, see change 1.</p> <p><b>Statement 52d</b></p> <p>The aim of the SPD is to encourage earlier engagement between developers and providers for FTTP in the planning of new-build developments. We note BUUK's concern of the current situation, however the ambition of the SPD is to ensure that developers engage with providers at earlier stages to ensure FTTP is delivered. We have made provision for different levels of information required at outline or full application stages to reflect the flexible nature of planning developments. Statement 53 explains that a detailed layout may not be needed at outline stage and Statement 54 explains that the level of detail required at each stage would be similar to other utilities. No</p>	<p><b><u>Ashford borough. If a provider wishes to be added to this list we will be maintaining an up to date list of registered providers on the council's website here.</u></b></p> <p>Change 1: Deletion of paragraph 24.</p> <p><del>Openreach is a prominent provider of FTTP for new-build premises, connecting 70% of developments. Openreach provides free FTTP to developments of more than 20 premises. For new-build developments under 20 premises, Openreach has published a rate card to provide transparency over the costs per premises<sup>6</sup>. Operators such as Virgin Media and Hyperoptic also provide FTTP connectivity to a significant number of new-build developments, and there are many other alternative operators who offer FTTP connectivity solutions for new-build developments.</del></p>
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		<p>way diminishes the assurance that the chosen provider will be installing gigabit capable fibre only infrastructure and in time to facilitate live connectivity at the point the new owner moves into their property. The developer will work closely with its chosen provider to ensure infrastructure is installed to create minimal aesthetic impact and to ensure the most efficient installation. An alternative approach could be for the developer to provide pre-defined planning assurances that aligns with the objectives of the finalised SPD, therefore committing the developer to meeting key planning FTTH attributes such as gigabit capability and the deployment of an open access network that will enable customer choice. This simple approach would also provide the council with the assurance that its SPD strategy would be followed for all new developments.</p> <p><b>Statement 57</b> Similar to above – the level of detail specific to the site may not have been designed at the preplanning stage of the process. Generic elements of the design can be provided ie – sites of a certain size may require a single cabinet located within the site boundary. Alternatively, for larger sites equipment may be accommodated in other shared infrastructure that is being</p>	<p>changes are proposed in response to this comment.</p> <p><b>Statement 57</b> Please see the comments above. Furthermore, it should be noted that as part of the planning process, if providers and developers consider the submitted information commercially sensitive, they are entitled to request the information is redacted from the public. The council will consider these requests and will seek its own legal advice on a case by case basis. This point is set out in Statement 56 which explains that confidentiality is respected, however evidence of early engagement and discussion is what the council will require at a minimum. No changes are proposed in response to this comment.</p> <p><b>Statement 62</b> The Streetworks Toolkit cover page has been included for guidance. We will make sure the image is outlined and referenced to avoid doubt, see change 4.</p>	<p>Change 4 Figure 8: Insert new text</p> <p><b><u>The Government's Streetworks Toolkit front cover</u></b></p>
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		<p>installed on the site to facilitate other utility infrastructure e.g. electrical sub station building.</p> <p>Whilst general network routing and standard fittings attached to buildings can be provided at an early stage on a generic basis – detailed designs will not have been completed. Type of duct and chamber networks being deployed underground are not relevant to the overall provision of gigabit capable FTTP networks. On the basis this network is being installed to meet the overarching FTTP and gigabit capable pre-requisite – we would be keen to understand the basis for Ashford Council requiring detailed plans of the infrastructure architecture at the pre-planning stage and what would the criteria be for accepting or rejecting a planning application based on the details outlined in statement 57.</p> <p><b>Statement 62</b> Same comment as Statement 24.</p>		
Kent County Council		<p>Thank you for consulting Kent County Council (KCC) on the Fibre to the Premises Supplementary Planning Document (SPD).</p> <p>The County Council supports the ongoing commitment from Ashford Borough Council to ensure that new dwellings and</p>	<p>We note the comments. Regarding the Government Support comments – we will propose minor changes to the SPD. We will include a disclaimer in the SPD text to set out the funding mentioned, which had been included to show the commitment from Government, is not targeted at</p>	<p>Change 2: Insert new sentence at end of paragraph 26.</p> <p><b>It should be noted that these funds are not available for new-build developments but do evidence the Government's</b></p>

		<p>employment units are delivered with fibre-to-the-premise (FTTP) broadband.</p> <p>The work that Ashford Borough Council has undertaken has been invaluable in demonstrating to Government the regulatory gaps that have enabled new homes to be completed without adequate broadband (i.e. connectivity that does not meet either current or future needs).</p> <p>The County Council notes the reference made in the SPD to the recent Government announcement on its intention to legislate to ensure that all new build homes are installed with gigabit broadband from the outset<sup>1</sup>. The Government’s response to the “New Build developments: Delivering gigabit-capable connections” consultation (March 2020) outlines the final policy proposal, which includes the intention to amend Building Regulations 2010 to mandate FTTP-ready infrastructure in new-build premises<sup>2</sup>. The Government has secured commitments from network operators to work with housing developers to provide gigabit-capable connectivity to all new build developments across the UK, including</p>	<p>new-build developments. See change 2.</p> <p>Regarding the comments about the alignment of Policy EMP6/SPD and the Government process – this has been noted and we will review the content of the SPD when the changes to the Government process have been implemented. No changes to the SPD are proposed.</p> <p>Regarding the Heritage Statement comments – we note KCC’s concern. However, it is noted that as part of the planning process, where a heritage asset is identified, a heritage statement or study will be produced and this will note any impact of FTTP, similar to other utilities. No changes to the SPD are proposed.</p>	<p><b>commitment to FTTP roll-out.</b></p>
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<sup>1</sup> <https://www.gov.uk/government/news/new-build-homes-to-come-gigabit-speed-ready>

<sup>2</sup> <https://www.gov.uk/government/consultations/new-build-developments-delivering-gigabit-capable-connections>

	<p>both developers and operators contributing to the costs of connection.</p> <p>The County Council supports the emphasis placed within the SPD on the need for good communication and engagement with FTTP providers, which is particularly important in the early stages of the planning process. KCC agrees with the proposed approach for broadband exclusivity clauses or agreements to be discouraged, as this restricts choice for new homeowners and tenants.</p> <p>In respect of the SPD section on Government Support, paragraph 26 sets out the financial support available from Government. The County Council would like to clarify that the financial support provided by the Government is not targeted towards new homes.</p> <p>The County Council recommends that there is a need to consider how the Government's new cost thresholds for gigabit capable connection for new builds will accord with the thresholds set out under Policy EMP6, which are based on scheme size and geographical location. There will also be a need to ensure that the FTTP statement process is aligned with the connectivity plan process, as</p>		
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		<p>proposed by the Government. This includes where reasons are stated for exemption and specification requirements for alternatives where FTTP is deemed not viable.</p> <p>In respect of heritage conservation considerations, the installation of fibre connectivity has the potential to impact significantly on the historic environment in the following ways for both new and existing properties:</p> <ul style="list-style-type: none"><li>• The installation of the necessary cable trenches can impact on archaeological remains. This is well understood; and utility companies usually consult KCC's Heritage Conservation team on the possible impacts of their proposals, amending them when necessary or providing for recording of archaeological remains where the proposals cannot be amended;</li><li>• The insertion of cables into buildings can impact their historic fabric. This can affect both Listed and non-Listed buildings; and</li><li>• The infrastructure for providing fibre connectivity can impact on the setting of heritage assets, whether Listed Buildings, archaeological monuments or Conservation Areas.</li></ul>		
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		<p>To minimise such impacts, it is essential that applicants take account of any heritage assets when developing their proposals. This assessment should be carried out before the development proposals are finalised and planning applications submitted. The results of the assessment should be included in the Heritage Statement required under paragraph 189 of the National Planning Policy Framework (NPPF) and referred to in the FTTP Statement.</p> <p>It should also be noted that, in some cases, fieldwork could be required to assess the impact of the proposals. KCC recommends that where heritage assets are identified as being likely to be impacted by the proposals, KCC Heritage Conservation is consulted to advise on appropriate ways to minimise those impacts.</p> <p>Where the proposals involve Listed or historic buildings, KCC would also advise that the applicant should consult Historic England's online guidance<sup>3</sup>.</p>		
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<sup>3</sup> <https://historicengland.org.uk/advice/your-home/making-changes-your-property/types-of-work/installing-services/>  
<https://historicengland.org.uk/advice/caring-for-heritage/places-of-worship/making-changes-to-your-place-of-worship/principles-for-making-changes/installing-equipment-cabling-and-pipework/>

# Appendix 1 List of consultees

## Specific consultees

- Parish Councils and Community Forums within and adjoining Ashford Borough
- Statutory Organisations
- Neighbouring District Authorities and County Councils
  - Canterbury City Council
  - Dover District Council
  - Maidstone Borough Council
  - Rother District Council
  - Shepway District Council
  - Thanet District Council
  - Tonbridge and Malling Borough Council
  - Tunbridge Wells Borough Council
  - Kent County Council
  - East Sussex County Council
- Infrastructure and Environmental Organisations
  - Ashford Clinical Commissioning Group (CCG)
  - Kent Community Health NHS Foundation Trust
  - East Kent Hospitals University NHS Foundation Trust Headquarters
  - NHS England South (South East Office)
  - Civil Aviation Authority
  - The Coal Authority
  - Office of the Rail Regulator
  - Highways England
  - KCC Highways, Transportation and Waste
  - Historic England
  - Environment Agency
  - Natural England
  - Kent Nature Partnership
  - Homes and Communities Agency
  - South East Local Economic Partnership (LEP)
- Telecommunications Operators
  - Hutchinson 3G Ltd
  - Mobile UK
  - O2
  - Vodafone
  - EE
  - Three
- Other Specific Consultees
  - South East Water
  - Southern Water
  - Affinity Water (South East Region)
  - EDF Energy Asset Management

- SGN
- Amec (National Grid)
- UK Power Networks
- High Weald AONB Unit
- Kent Downs AONB Unit
- Sport England
- Kent Fire and Rescue Services
- South East Coast Ambulance Service
- Kent Police
- Southern Trains
- South Eastern Rail
- Network Rail

## General consultees

AECOM	DHA Planning	McCarthy and Stone
Altus Group	Dukelease	MHS Homes
Atrium	Esquire Developments	Millwood Homes
Aile Homes Ltd	Forest Homes (Kent)	MLM Group
Amicus Horizon	Foster and Payne	Moat Housing
Aviva Investments	Gallagher Group	Newcrest
B D W Homes	George Wilson Developments	Orbit Group
Barton Willmore	Glenny	On Architecture
Barratt Developments	Golding Homes	Optivo
Bellway	GRE Assets	Pent Ltd (Courtley Planning)
Berkeley Group	GSE	Pentland Homes
Betteridge Milsom	Hastoe Group	Persimmon Homes
BNP Paribas	Harrisons Chartered Surveyors	Quadrant Estates
BTF Partnership	Hobbs Parker	Quinn Estates
Carter Jonas	Hodson Developments	RDJW Architects
Chartwell Land & New Homes Ltd	House Builders Federation	Redrow Homes
Coldrum Homes	Housing & Care 21	Regeneration UK
Caxtons	Hyde Housing	Salmon Developments
Chartway Group	Investin Plc	Savills
Clague Architects	Jarvis	Scott Properties
Clarke and Crittenden	Jenner Group	Sibley Pares
Clarion Housing Group	Kent Developers Group	Smith Woolley
Countryside Properties plc	Kier Construction	SSA Planning
Crest Nicholson Developments Ltd	Kier Homes	Stafford Perkins
Cripps Pemberton Greenish	Lee Evans	Stanhope
Croudace	Martine Waghorn	Taylor Wimpey
		Town and Country Planning Group

Trenport Investments

Troy Planning and  
Design

U+I Group

Vinci

Vernacular Homes

Ward Homes

Wealdon Homes

West Kent

WW Martin

Stantec

CityFibre

County Broadband

GTC, OFNL (part of  
BUUK)

ITS

HyperOptic

NextGen Access

Openreach / BT

Toob

Trooli (Callflow)

Virgin Media

Appendix 2 Consultation Letters  
Consultee Letters  
Planning & Development



ASHFORD  
BOROUGH COUNCIL

Email: [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk)  
Direct line: (01233) 330229

Civic Centre  
Tannery Lane  
Ashford  
Kent TN23 1PL  
01233 331111

[www.ashford.gov.uk](http://www.ashford.gov.uk)



@ashfordcouncil



AshfordBoroughCouncil

Monday 9<sup>th</sup> March 2020

Dear Sir/Madam,

**Consultation on draft Fibre to the Premises (FTTP) Supplementary Planning Document**

We are writing to let you know that the draft Fibre to the Premises (FTTP) Supplementary Planning Document is available for consultation from **until 1<sup>st</sup> May 2020 at 5pm.**

The relevant documents can be viewed and commented upon online using our consultation portal <https://haveyoursay.ashford.gov.uk/consult.ti/FTTP.SPD>

If you have any questions please contact 01233 330229, or e-mail [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk) and we will be happy to assist.

Yours sincerely,

**Daniel Carter**

Team Leader – Spatial Planning – Plan making and Infrastructure

## Letters to libraries

### Planning & Development

Email: [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk)  
Direct line: (01233) 330229



**ASHFORD**  
BOROUGH COUNCIL

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Tannery Lane  
Ashford  
Kent TN23 1PL  
01233 331111

[www.ashford.gov.uk](http://www.ashford.gov.uk)



@ashfordcouncil



AshfordBoroughCouncil

Friday 6 March 2020

Dear Sir or Madam

#### **Draft Fibre to the Premises (FTTP) Supplementary Planning Document (SPD) Consultation**

The council is holding a public consultation on the draft Fibre to the Premises (FTTP) Supplementary Planning Document (SPD).

The consultation is now open and **closes on the 1 May 2020 at 5pm.**

I would be grateful if you could make the enclosed available for viewing by the public in the library until this date. The SPD should not be removed.

Guidance notes and comment forms are enclosed for participants to take and complete. Forms can be left with the consultation documents.

Alternatively, electronic versions can be found at [www.ashford.gov.uk/consultations](http://www.ashford.gov.uk/consultations) along with the background documents to support the consultation.

Please use the contact details provided should you need further documents or general information.

Participants should submit forms via email (as above) or to the council's address. Please recycle the documents at the end of consultation.

Thank you for your assistance.

Yours faithfully

**Simon Cole**  
Spatial Development Manager

# Appendix 3 Representation Forms

## Letter Representation form

### Ashford Borough Council

### Draft Fibre to the Premises Supplementary Planning Document (SPD)

#### Representation Form

This form should be used to comment on the draft Fibre to the Premises Supplementary Planning Document only.

For office use only

Reference No:

Date received:

The preferred method for receiving comments is by using the consultation portal on the Council's website. You can register to access the consultation portal at: [www.ashford.gov.uk/consult](http://www.ashford.gov.uk/consult). Entering your comments by using the portal is quick and easy and instructions are provided on the website. If you are unable to use the on-line method of submitting comments you may still submit comments by using this form.

**This consultation is open for comments until 5pm on 1 May 2020.**

**This form is for hand written comments only.**

Please use additional sheets if necessary but include your name and question references at the top of each extra page. If you would like more forms please email [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk) or call 01233 330229.

#### Personal Details

Name of individual: .....

Organisation (where relevant): .....

Address: .....

..... Postcode: .....

Email address: ..... Daytime Tel. No: .....

If an agent or other person is responding on your behalf please give the agent's details:

Name: .....

Address: .....

..... Postcode: .....

Email address: ..... Daytime Tel. No: .....

**Please indicate whether you support, object or consider there to be an omission** (please ✓ one option)

Support	Object	Omission
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Which part of the document does your comment relate to?  
(paragraph number)**

**Paragraph**

**Your comments:**

Please state fully and clearly below the grounds of your objection or support.

**Signature:**

**Date:**

**If you would like to be notified of the future progress of the SPD,  
please tick your preferred method of notification:**

Email  Post

## Consultation Information

- **Forms can be sent back by post to:** Planning Policy Team, Ashford Borough Council Civic Centre, Tannery Lane, Ashford, TN23 1PL
- A digital copy of this document is available at:  
[www.ashford.gov.uk/consult](http://www.ashford.gov.uk/consult)
- You can register and make comments using the online portal (link above) which saves time and enables you to record your responses.
- The documents are also available to view in hard copy at the Civic Centre, Ashford and Tenterden Gateways, and Wye and Charing libraries.
- Additional hard copy comment forms can be requested by calling 01233 330229 or emailing [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk).

## What Happens Next?

Everyone that comments on this consultation will receive an acknowledgment.

The next stage in this document production process will be to assess the comments received and use that feedback and other material to effectively deal with any issues identified.

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## Fibre to the Premises Supplementary Planning Document

We are consulting on the draft **Fibre to the Premises Supplementary Planning Document** for the borough.

The SPD provides further guidance on policy EMP6 - *Fibre to the Premises* within the Ashford Local Plan 2030.

The SPD will be available for public consultation between **6 March 2020 - 1 May 2020** closing at **5 pm**.

**Please view the draft SPD using the links below and use the response template to respond. If you have any problems uploading a response form or have too many to upload, please email them to [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk)**

Hard copies of the SPD will be made available for public inspection (to view only), free of charge, during opening hours at: (From week commencing 9th March)

- Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL
- Ashford Gateway Plus, Church Road, Ashford, Kent TN23 1AS
- Charing Library, Market Place, Charing, TN27 0LR
- Tenterden Gateway, 2 Manor Row, High Street, Tenterden, TN30 6HP
- Wye Library, 6 Upper Bridge Street, Wye, Ashford, TN25 5AF

**We advise you to make an appointment if viewing a document at Ashford Civic Centre.**

**CONTACT:** Please call 01233 330229 or email [planning.policy@ashford.gov.uk](mailto:planning.policy@ashford.gov.uk) for any enquiries.

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### Timeline



### Documents

- Draft Fibre to the Premises Supplementary Planning Document
- Guidance note for representations

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## Fibre to the Premises Supplementary Planning Document

### Fibre to the Premises Supplementary Planning Document

1

Please indicate whether you support, object or consider there to be an omission

You must provide an answer to this question.

- Support
- Object
- Omission

Please state fully the grounds of your objection or supporting comments (Please state the paragraph number you are referring to)

2

If you would like to be notified of the future progress of the SPD, please select your preferred method of notification.

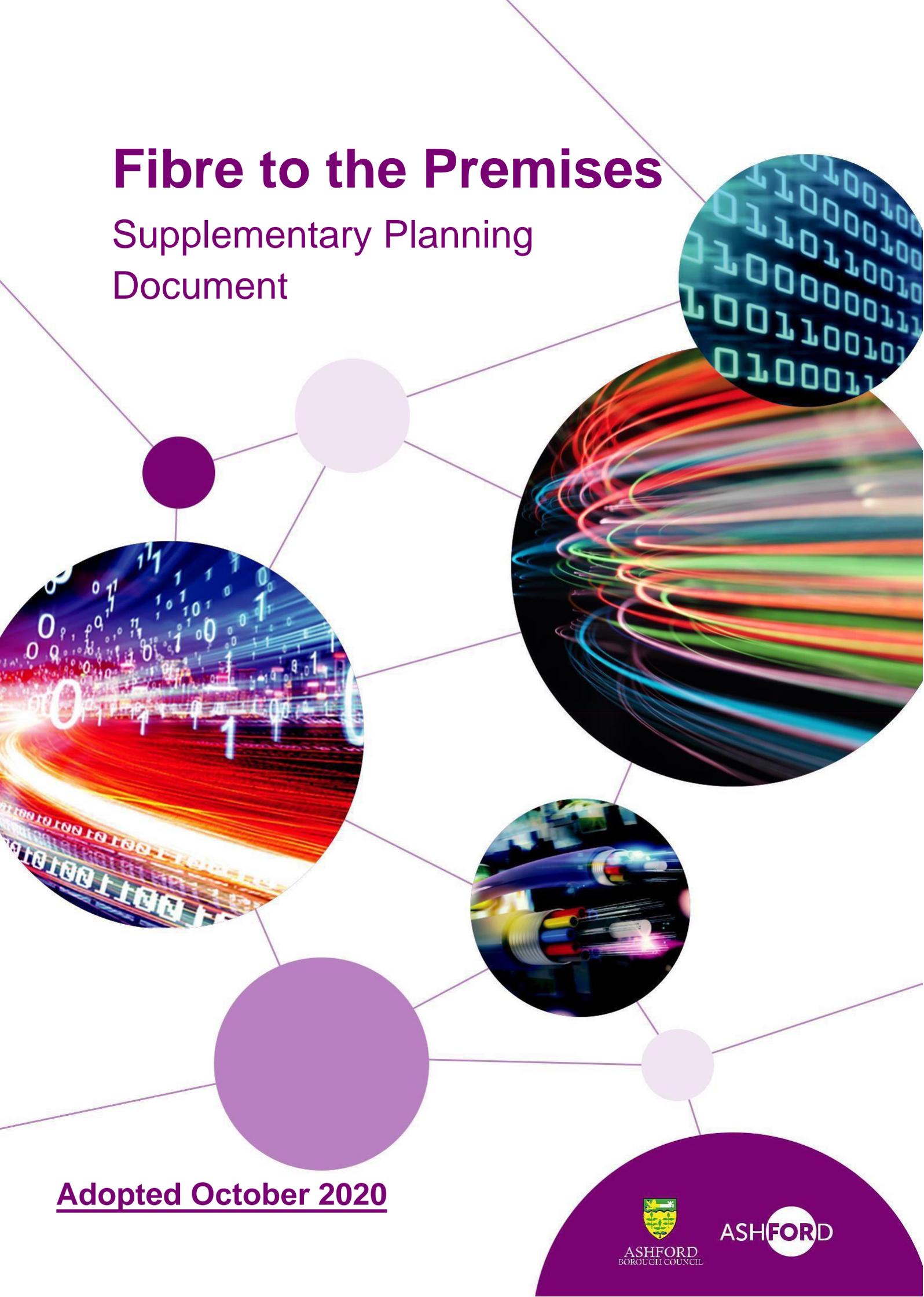
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## Appendix 4 Amended SPD (changes tracked)

# Fibre to the Premises

## Supplementary Planning Document



Adopted October 2020



ASHFORD

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**NOTE:**

**This amended version contains the minor amendments to the SPD.**

**Text in bold and underlined is the amended or new text added as part of the minor amendments.**

**The strikethrough text is the text to be deleted as part of the minor amendments.**

## **Section 1 – Introduction**

### **Purpose of the Supplementary Planning Document (SPD)**

1. A Supplementary Planning Document (SPD) provides further guidance to applicants on specific policies within a Local Plan. It does not seek to alter or introduce new policy requirements and is focused on setting out how applications comply with a Local Plan policy.
2. This SPD provides further guidance on Policy EMP6 ‘Fibre to the Premises’ (FTTP) of the council’s Local Plan 2030 (adopted Feb 2019). For ease of reference, the actual policy is replicated below (see section 3). Applicants must have regard to the reasoned justification contained in the Local Plan that supports Policy EMP6 (see paragraphs 7.31 to 7.48 of the Local Plan 2030).
3. The primary driver of Policy EMP6 is to deliver as much FTTP enabled development in the borough as possible. In doing so, advanced and high quality communication infrastructure will be expanded in the local area
4. Ashford Borough Council has long recognised the importance of high speed broadband and its benefits. In 2008, local planning policy required developments to be supported by adequate ducting arrangements to facilitate high speed broadband technology. This has been successful in delivering a connected network around the town of Ashford.
5. The council now requires that the market is further tested, by focussing on FTTP technology. This technology is recognised as a ‘Next Generation Access’ technology and will effectively futureproof the borough and attract further investment. FTTP is already a key market driver; developers, occupiers and employers will require ever more fast and stable connections.
6. This document contains concise details to encourage applicants to engage with relevant stakeholders early in the planning process so that FTTP enabled development is delivered. It is not suggesting that developers become providers of FTTP.
7. Communication and engagement with FTTP providers is vital, particularly in early stages of the planning process. The council has ongoing engagement with these providers and operators for the formulation of Policy EMP6 and this SPD. Useful contact information for providers is provided in Section 7 of this SPD.

## Who is the SPD for?

8. This SPD is to guide applicants to the evidence required for a planning application to ensure that the requirements in Policy EMP6 have been met.

## **Section 2 – Background context**

### **The benefits of FTTP to residents, businesses and developers**

9. The government has implemented a Universal Service Obligation. This gives every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities.
10. **Demand and expectations are high and rising:** Quality and speed of internet connections is important to property buyers and this is expected to rise as smart home technology continues to develop. The Clutton's Home Ownership Aspirations Survey 2018 found that apart from budgets and planned purchasing timelines, 84% of those surveyed said that high speed broadband was the most important specification when deciding on their new home. Furthermore research carried out by the Federation of Small Businesses (FSB) shows that 94% of small business owners rate a reliable broadband connection as critical to the success of their business.
11. **Fibre rollout is speeding up:** Thousands more UK homes and business will get connected to the network next year. Internet service operators will be looking to establish more connections, by working alongside land and housing associations, to meet the government's target of 100% gigabit connectivity to residential premises by 2025.
12. **Broadband could have an impact on property values:** Buying a new home is a large investment and broadband speeds often form part of that decision. ISPreview.co.uk conducted a poll in July 2018 which found 54.7% of readers would reject a house if it couldn't deliver their desired broadband speed, and 33% require speeds over 100 Mbps. Housesimple's May 2019 study claimed that "ultra-slow" broadband speeds (under 1 Mbps) could knock 24% off the value of the property.
13. Both surveys highlight that as the quality of national broadband networks has improved, the expectations for our desired internet performance of a new property have also increased.
14. Broadband remains a marketable element in property sales. The quality of the broadband speeds and connections can influence how quickly developers can sell both residential and commercial properties.
15. An issue that arises with new build developments and broadband is exclusivity clauses or agreements. These allow exclusive rights of access for a nominated provider to own and use the broadband infrastructure for a

certain amount of time, leaving purchasers minimal or no choice in provider options.

16. The government is taking steps to promote and legislate, where appropriate, that all new build developments are connected with full fibre. This will provide homeowners the choice of provider. The market already provides competition at a retail level for consumers, with BT (incl. EE and Plusnet) accounting for 35% of fixed broadband connections, Sky 23%, Virgin Media 20% and TalkTalk 11%<sup>1</sup>. Occasionally this market competition doesn't transpire to new developments if exclusivity rights are applied to one provider, restricting the choice for purchasers and tenants.
17. As suggested in the government's Future Telecoms Infrastructure Review<sup>2</sup>, the council would welcome evidence that negotiations have been undertaken with multiple providers to incorporate more than one network into the development. This will then give residents and businesses in new build developments more choice for broadband providers. This is also in line with policy ideas being proposed in the Department for Digital, Culture, Media and Sport (DCMS) "New Build Developments: Delivering gigabit-capable connections" consultation document<sup>3</sup>.
18. Fast, dependable broadband is essential for residents to benefit from online services, and for businesses to operate and reach their customers. It also contributes to the vibrancy of an area, in terms of both economic growth and social inclusion.
19. Ashford has been ahead of the national agenda in terms of the expansion of high speed broadband. As a result of the council's forward-thinking policies, in the past nine years superfast coverage (>24 Mbps) in the borough has increased from 52.6% of properties to 92.1%. Mean download speeds for the area have also increased from 2.8 Mbps in 2010 to 32.8 Mbps in 2019 and mean upload speeds increasing from 0.4 Mbps to 6.9 Mbps.
20. Whilst these figures demonstrate large improvements in broadband from this pro-active approach, there is still much more to do. The national picture shows that in the UK 96.1% of properties are connected to superfast broadband (>24 Mbps). In Kent 95.4% of properties are connected with some East Kent authorities having a better coverage than Ashford. With more than 13,500 dwellings due to be built in the borough over the next 11 years, together with many commercial premises, we must ensure that as many as

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<sup>1</sup> Ofcom, The Communications Market (2019). <https://www.ofcom.org.uk/research-and-data/multi-sector-research/cmr/interactive-data>, 17 February 2020

<sup>2</sup> Future Telecoms Infrastructure Review (2018). <https://www.gov.uk/government/publications/future-telecoms-infrastructure-review>, 4 March 2020

<sup>3</sup> New Build Developments: Delivering gigabit-capable connections consultation (2018). <https://www.gov.uk/government/consultations/new-build-developments-delivering-gigabit-capable-connections>, 4 March 2020

possible of these developments have access to superfast broadband. The council considers that FTTP is an essential infrastructure for both residential and commercial properties and wants superfast coverage to increase over this Local Plan period.

21. Although Ashford is making great improvements in the provision of FTTP, we understand that there are also instances where superfast broadband installation will not be possible for a number of reasons. This has been reflected in Policy EMP6 and we have given more detail in this document.

## National Context

22. **Fast rising coverage:** FTTP deployment in the UK is increasing. 10% of premises in early 2020 were covered compared with 2.8% in 2017. In the borough, FTTP coverage is 3% in early 2020 compared with 0.5% in 2017<sup>4</sup>.
23. New-build developments are increasingly being built with FTTP connectivity. Nationwide, 78% of new-build premises were provided with FTTP in the first quarter of 2019, an increase from 70% in 2018 (see Figure 1). In the South East, more than 80% of new-build premises were provided with FTTP connectivity<sup>5</sup>.

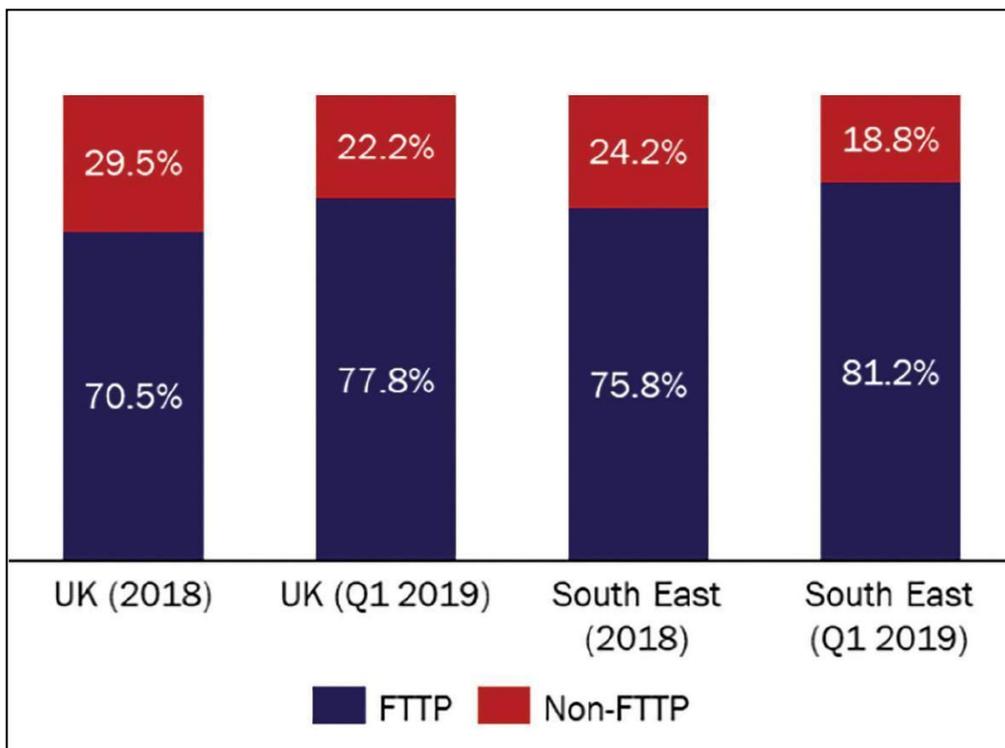


Figure 1 FTTP coverage in new-build developments [Source:ThinkBroadband, 2019]

<sup>4</sup> <https://labs.thinkbroadband.com/local/E07000105>

<sup>5</sup> <https://www.thinkbroadband.com/news/8583-new-build-premises-superfast-coverage-still-behind-uk-average>

24. ~~Openreach is a prominent provider of FTTP for new-build premises, connecting 70% of developments. Openreach provides free FTTP to developments of more than 20 premises. For new-build developments under 20 premises, Openreach has published a rate card to provide transparency over the costs per premises<sup>6</sup>. Operators such as Virgin Media and Hyperoptic also provide FTTP connectivity to a significant number of new-build developments, and there are many other alternative operators who offer FTTP connectivity solutions for new-build developments.~~
25. **Growing investment:** The current wave of deployment is being driven by increasing levels of private investment in FTTP, which has grown rapidly in the last three years. Openreach is targeting four million premises to have FTTP availability by 2021 and 15 (space) million premises by 2025. It is currently deploying FTTP at a rate of approximately 26,000 premises per week. Virgin Media is part way through the roll-out of a hybrid cable/FTTP network extension covering four million premises by 2020, and has also announced plans to upgrade its existing network to DOCSIS3.1 by the end of 2021 – proving gigabit speeds across its footprint. Alternative operators (not including Openreach and Virgin Media) are also deploying FTTP networks, and have announced potential deployment plans that, when combined may cover more than 12 (space) million premises over the next few years.

## Government Support

26. **Financial support:** The UK government is increasingly supportive of full fibre, and is providing both financial and regulatory support to help meet its ambition of full gigabit coverage of residential premises by 2025. The DCMS has committed £5 (space) billion to support an “outside in” deployment of FTTP in areas unlikely to be commercially viable, and is also providing funding for FTTP via schemes such as the Local Full Fibre Networks and Rural Gigabit Connectivity programmes and a Gigabit voucher scheme. **It should be noted that these funds are not available for new-build developments but do evidence the Government’s commitment to FTTP roll-out.**
27. **Regulatory and policy support:** Ofcom is considering regulatory changes to promote full fibre investment. Ofcom has worked with Openreach to improve access to Openreach’s duct and pole network (Physical Infrastructure Access or PIA) and facilitate new infrastructure deployment. The DCMS also consulted on three proposals to promote full-fibre connectivity in new-build developments:
- Cost-sharing between developers and operators for FTTP infrastructure
  - A “duty to connect” for network operators

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<sup>6</sup> <https://telecoms.com/501763/openreach-decides-to-connect-more-new-builds-on-the-house/>

- Amendments to the Building Regulations to mandate FTTP-ready infrastructure in new-build premises.

28. The consultation closed in December 2019, and the responses are being processed. The Queen’s Speech in December 2019 contained a commitment by the government to introduce legislation on both new-build connectivity and gigabit-capable connectivity including:

- Mending legislation so that all new build homes are required to have the infrastructure to support gigabit capable connections.
- Requiring developers to work with broadband companies to install gigabit capable connections in virtually all new build homes, up to a cost cap<sup>7</sup>.

29. The Ministry of Housing, Communities and Local Government has updated the National Planning Policy Framework (NPPF) in 2019 to suggest that all planning polices and decisions should support the expansion of telecoms networks – including full fibre broadband<sup>8</sup>. Irrespective of ongoing central government initiatives, local authorities are empowered to develop local planning regulations which are supportive of full-fibre deployment – including for new-build developments. A number of local authorities are also considering a similar approach to Ashford Borough Council.

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<sup>7</sup> <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8392>

<sup>8</sup>

*Fibre to the Premises – Supplementary Planning Document*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

## Section 3 – Guidance on EMP6 Requirements

30. Policy EMP6 contains a number of requirements. For ease of reference, it is replicated below<sup>9</sup>:

### **Policy EMP6 – Promotion of Fibre to the Premises (FTTP)**

The council considers that FTTP is essential infrastructure and vital to the delivery of sustainable development. Therefore, all qualifying development shall deliver FTTP. Qualifying development includes:

- All residential and employment schemes proposed in, or adjoining, the urban area of Ashford, including on those sites allocated in this Local Plan on the periphery of the urban area of Ashford,
- residential schemes promoting 10 dwellings or more in the remaining parts of the borough,
- Employment schemes promoting 10 or more jobs (FTE) in the remaining parts of the borough.

Proposals for qualifying development will be required to be supported by an FTTP Statement, to be agreed by the council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation.

Exceptions to the approach outlined above could be justified in circumstances where it is not practical, viable or feasible to deliver FTTP. In such cases, evidence will be needed from the applicant to demonstrate that a departure from policy is justified.

For other residential and employment schemes, FTTP will be encouraged by the council as a means of expanding the local fibre network.

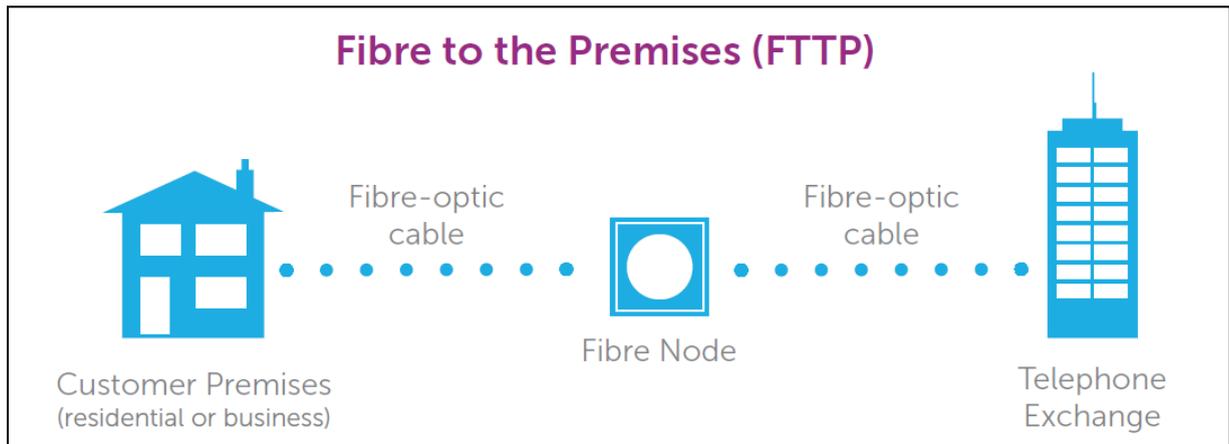
Where FTTP is not delivered, non-Next Generation Access technologies that can provide speeds in excess of 24Mbps should be provided as an alternative.

**Figure 2** Policy EMP6 from Ashford Local Plan 2030

<sup>9</sup> regard is also needed to the reasoned justification that supports this policy as contained within paragraphs 7.31 to 7.48 of the council's Local Plan 2030 (Feb 2019).

## What is meant by FTTP?

31. FTTP is where the entire line of connectivity is fibre from the exchange, all the way to the building or premises (the dwelling or place of employment). Please see diagram below.



**Figure 3** Diagram explaining FTTP

## What is meant by 'qualifying development'?

32. 'Qualifying development' for the purpose of Policy EMP6 is:

- All schemes promoting residential or employment development 'in' or 'adjoining' the town of Ashford, or
- All residential schemes of 10 or more dwellings in the 'remaining parts of the borough', or
- All employment schemes promoting 10 or more full time jobs or equivalent in the 'remaining parts of the borough'.

33. Therefore a scheme for one dwelling or a scheme that delivers one additional full-time job, 'in' or 'adjoining' the town of Ashford will be required to comply with the requirements in Policy EMP6.

34. In the 'remaining parts of the borough'; this is limited to only those residential developments of 10 or more dwellings or employment developments that would yield 10 or more full time jobs or full time equivalent (FTE).

35. The FTE jobs can be determined by using the information contained in the Employment Densities Guide 3rd edition (2015), produced by the Homes and Communities Agency. Below is the main matrix identifying the number of square metre (sqm) per 1 FTE job. The document provides further guidance

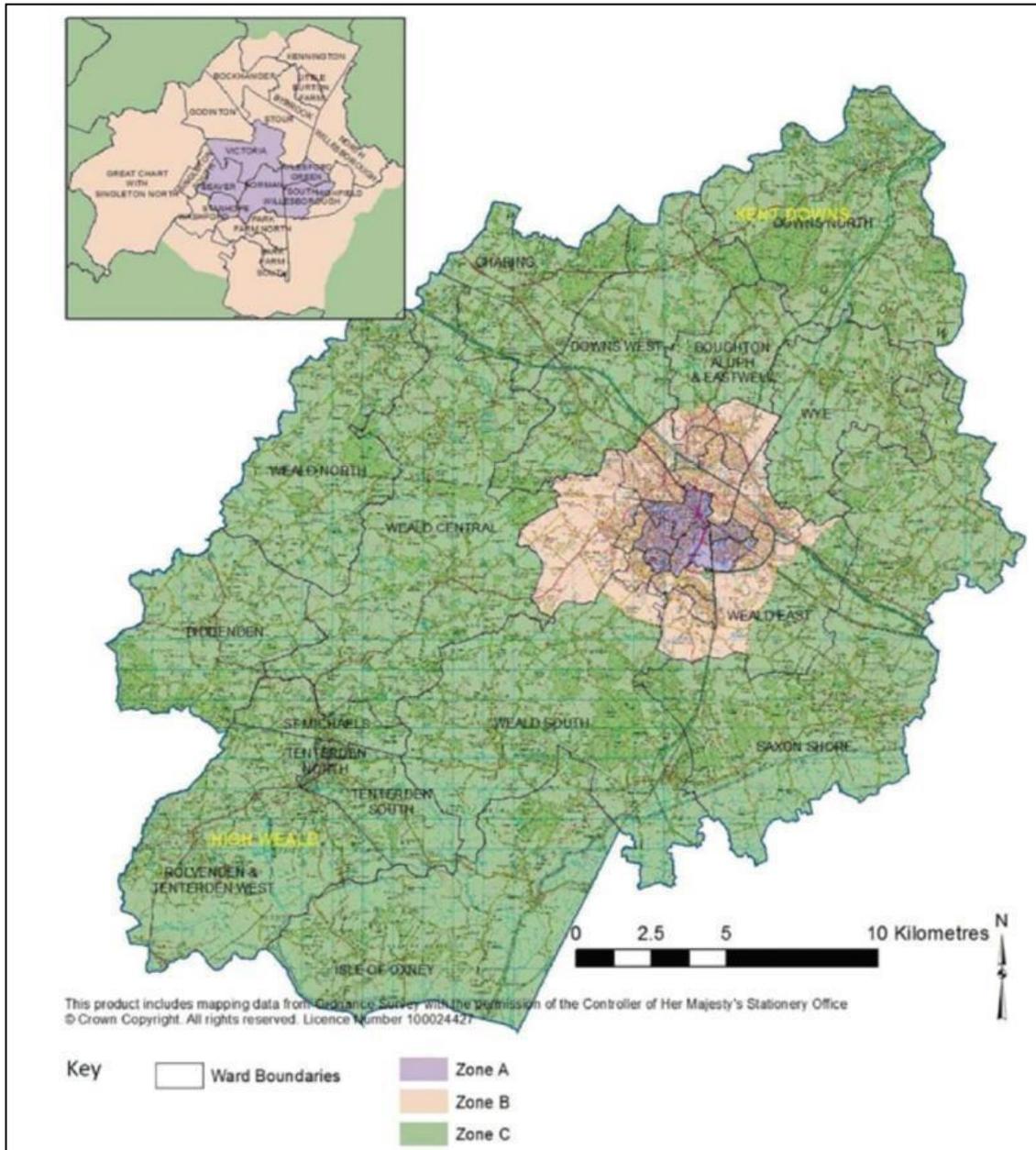
on employment densities however it is not readily available from the government so the council can help applicants in this respect.

Use Class	Sub-Category	Sub-Sector	Density (sqm)	Notes	
B1a Offices	General Office	Corporate	13	NIA	
		Professional Services	12	NIA	
		Public Sector	12	NIA	
		TMT	11	NIA	
		Finance & Insurance	10	NIA	
	Call Centres		8	NIA	
B1b	R&D Space		40-60	NIA lower densities will be achieved in units with higher provision of shared or communal spaces	
B1c	Light Industrial		47	NIA	
B2	Industrial & Manufacturing		36	GIA	
B8	Storage & Distribution	National Distribution Centre	95	GEA	
		Regional Distribution Centre	77	GEA	
		'Final Mile' Distribution Centre	70	GEA	
Mixed B Class	Small Business Workspace	Incubator	30-60	B1a, B1b – the density will relate to balance between spaces, as the share of B1a increases so too will employment densities.	
		Maker Spaces	15-40	B1c, B2, B8 - Difference between 'planned space' density and utilisation due to membership model	
		Studio	20-40	B1c, B8	
		Co-Working	10-15	B1a - Difference between 'planned space' density and utilisation due to membership model	
		Managed Workspace	12-47	B1a, b, c	
B8 / Sul Generis	Data Centres	Wholesale	200-950		
		Wholesale Dark Site	440-1,400		
		Co-location Facility	180-540		
A1	Retail	High Street	15-20	NIA	
		Foodstore	15-20	NIA	
		Retail Warehouse	90	NIA	
A2	Finance & Professional Services		16	NIA	
A3	Restaurants & Cafes		15-20	NIA	
C1	Hotels	Limited Service / Budget	1 per 5 beds	FTE per bed	
		Mid-scale	1 per 3 beds	FTE per bed	
		Upscale	1 per 2 beds	FTE per bed	
		Luxury	1 per 1 bed	FTE per bed	
D2	Fitness Centres	Budget	100	GIA	
		Mid Market	65	GIA – both types tend to generate between 40-50 jobs per gym	
		Family			
		Cinema		200	GIA
		Visitor & Cultural Attractions		30-300	The diversity of the cultural attraction sector means a very wide range exists
	Amusement & Entertainment Centres		70	Potential range of 20-100sqm	

Figure 4 Employment Density Guide 3rd edition Matrix, Homes & Communities Agency (2015).  
GEA - Gross External Area. GIA - Gross Internal Area. NIA - Net Internal Area.

How do I determine if the proposal is located 'in' or 'adjoining' Ashford or the 'remaining parts of the borough'?

36. At the time of drafting this SPD, the built confines for the town of Ashford have not been drawn on a map base. As such, there is no spatial area defined to help the planning applicant, or the decision maker. In such circumstances a degree of pragmatism is needed.
37. To make this process simpler for the applicant and decision maker, the SPD proposes to utilise the zones of the Affordable Housing Viability Areas map, as identified under Policy HOU1 of the Local Plan 2030.
38. Therefore, for the purposes of Policy EMP6, all application sites that fall within **zones A and B** (see figure 5) will be considered as being 'in' or 'adjoining' Ashford. All application sites that fall within **zone C** (see map below) will be considered as being in the 'remaining parts of the borough'.



**Figure 5** - Map derived from MAP2 of the Ashford Local Plan 2030: Affordable Housing Viability Areas

39. These zones were derived from a range of evidence relating to the local housing market, and are primarily used to help determine the council's affordable housing policy. The zones however also offer a simple and practical solution to helping to determine how Policy EMP6 should be applied, for two main reasons:

- i. Most of Ashford's existing fibre network is located within zones A and B. It houses all of the existing urban fibre enabled cabinets which have, in part, been delivered as result of the expansion of the town.
- ii. All of the 'Ashford Site Policies' in the Local Plan 2030 are located within zones A and B. All of these site allocations are required to

deliver FTTP. In doing so the existing urban fibre network will be enhanced or expanded. In this context, the large scale development of Chilmington Green (up to 5,750 homes and associated infrastructure) also falls within zones A and B.

40. In light of the above, all future planning applications coming forward in zones A and B will be in close proximity to both the existing and future fibre network in and around the town of Ashford, as well as existing cabinets (all of these are fully fibre enabled) and any expanded or new cabinets. It therefore follows that these sites should be treated as 'in' and 'adjoining' Ashford for the purpose of compliance with Policy EMP6.
41. Although the zones were derived for a separate purpose, it provides an opportunity to pragmatically and clearly define, on a map base, where the various components of Policy EMP6 apply.

### What is an FTTP Statement?

42. An FTTP Statement is a document needed to support a planning application where a qualifying development is proposed. The Statements are required to demonstrate that the proposed development will be supported by FTTP at commencement. Please see section 4 of this SPD for what the FTTP Statement should cover.

### What are the exceptions to the requirements of Policy EMP6 and how can they be justified?

43. Where FTTP cannot be delivered for a qualifying development, the applicant will be required to produce evidence justifying why. In line with Policy EMP6, these reasons will normally relate to issues surrounding viability, feasibility or the practicality of delivery, or a combination of these factors. Failure to demonstrate why non-compliance is justified may well result in the refusal of planning permission.
44. If non-compliance of policy EMP6 can be justified, varying levels of evidence will be required depending on the reasons FTTP cannot be delivered. For example, it could be that an appropriate physical trench cannot be dug, or that the scheme is too far from the nearest breakout point on the fibre network, or that there is an issue with the capacity of a nearby cabinet and this capacity cannot be increased. There may also be scenarios where operators or providers are unable to assist in the delivery of FTTP on a particular site.

45. Whatever the reason for non-compliance, the applicant is expected to produce thorough, transparent and robust evidence. Where appropriate, this should include non-commercially sensitive correspondence between the applicant and a provider.
46. If a viability case is being made, compliance with Policy IMP2 of the Local Plan 2030 is also required. Any viability case being made must be done so in a transparent way and will be rigorously tested by independent advisors, paid for by the applicant.

### What is meant by ‘encouraged’ in relation to ‘other schemes’?

47. The council encourages all new development to be FTTP enabled. Doing so can only assist in delivering as full a fibre network across the borough as possible, while futureproofing and adding value to development. We encourage applicants for all schemes, including those that do not qualify for Policy EMP6, that deliver new residential or commercial premises across the borough, to evidence that superfast broadband connections have at least been considered. For schemes that do not qualify for Policy EMP6 we would anticipate evidence such as quotes from service providers, viability assessments and/or a statement explaining how broadband will be provided on the site.

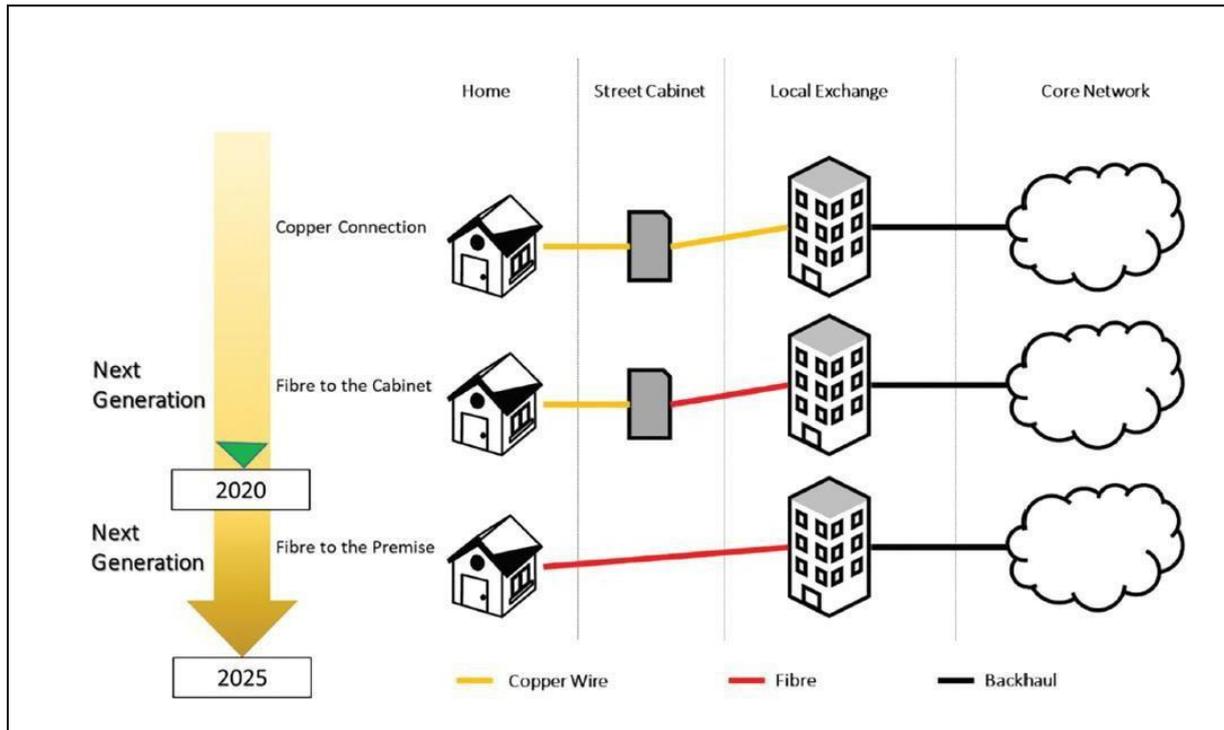
### Why is 24 Mbps the ‘fallback position’?

48. There is no single definition of superfast broadband. At the time of drafting policy EMP6 the UK government defined superfast broadband as download speeds of at least 24 Mbps. However, Ofcom and the EU define it as 30 Mbps. Given the advances in technology and the sector since Policy EMP6 was first drafted in 2017, the expectation now is that at least **30 Mbps** download speeds should be achieved as the fallback position, as opposed to the 24 Mbps speed stipulated in Policy EMP6. It is noted that recent BDUK contracts have adopted this speed as ‘superfast’ connectivity.

### What is Next Generation Access?

49. Next-generation access (NGA) networks represent new, or upgraded, infrastructure which can provide superfast internet speeds. Ofcom defines two levels of service quality:
  - superfast broadband delivering a minimum download speed of 30 Mbit/s
  - ultrafast broadband delivering a minimum download speed of 300 Mbit/s

50. The UK government is basing its connectivity ambitions around a third definition – gigabit capable networks. Any NGA network that can deliver at least 1 Gbit/s connectivity meets the definition of a gigabit capable network. In Ashford, as in much of the UK, the way forward for delivering NGA superfast broadband is expected to be primarily via FTTP networks.



**Figure 6** Cable connections over time based on Ofcom diagram

51. Fixed Wireless Access (FWA) can be considered as an alternative solution to FTTP and traditional fixed broadband services. FWA requires a fibre or wireless backhaul connection to a transmitter, which then uses a wireless link for the final connection to a home or business. This approach avoids the cost of installing a fibre connection into the building for the “last mile”. Ashford Borough Council would consider this as an alternative where FTTP is deemed to be unviable.

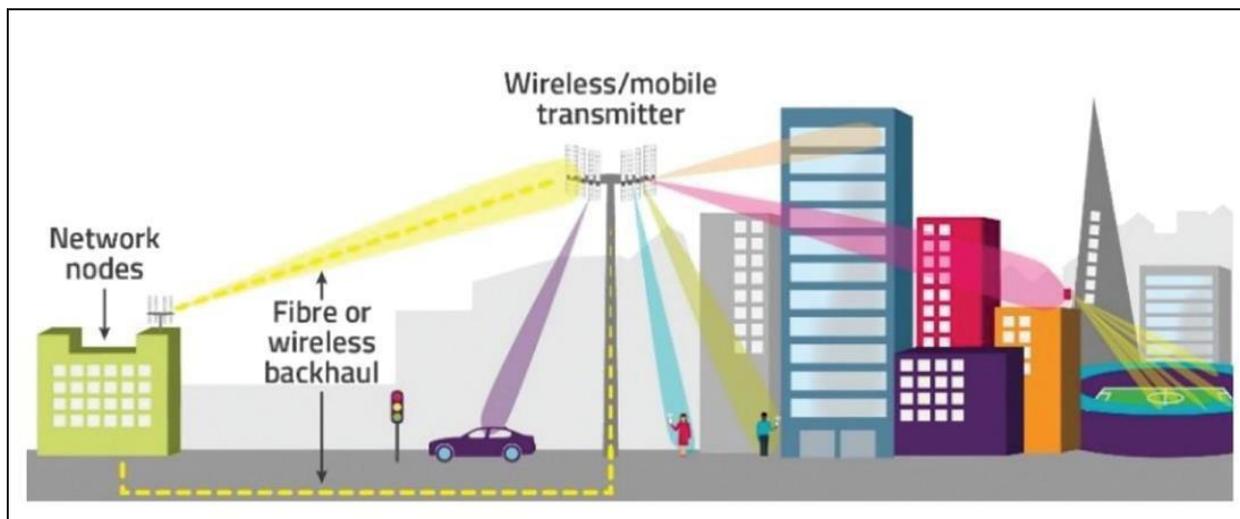


Figure 7 Schematic of FWA, Ofcom Connected Nations 2018

## **Section 4 – FTTP Statements**

### **What is the purpose of FTTP Statements?**

52. The main purpose of an FTTP Statement is to give the decision maker as much certainty as possible that qualifying developments will comply with Policy EMP6. The Statement should be provided as a standalone document. Statements will be expected to demonstrate:
- a) That appropriate and early discussion has been had with the telecom providers in relation to serving the development with FTTP,
  - b) That either the proposed development can be connected to existing infrastructure or that additional infrastructure is needed and how this will be provided,
  - c) That the infrastructure needed to enable FTTP will be available and in place, prior to occupation<sup>10</sup>,
  - d) How FTTP will be delivered in terms of the layout, design, connectivity to the cabinet and to the buildings proposed on-site.

### **What information is required at outline stage?**

53. An FTTP statement is required at outline planning stage. It is accepted however, given the nature of an outline application, that it might contain less details in terms of specific implementation dates of FTTP from a provider, and/or might not include detailed layout information.
54. However, the FTTP statement for an outline application must provide enough information to satisfy the decision maker that Policy EMP6 will be complied with, or that non-compliance is justified. In this regard, the expectation is that the information provided should be similar to the level that is supplied to support other utility infrastructure, such as mains drainage of the supply of water.
55. In addition, planning conditions or obligations will be applied to outline consent to ensure that the necessary and remaining details to be covered in subsequent FTTP Statements is provided at reserved matters stage. Some example conditions are provided in section 6, as a guide.

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<sup>10</sup> The council's preference is that FTTP is delivered in such a way that provides a competitive choice, or that this choice will be available after an initial term has been passed. However the council accept that this can only be an aspiration as it is beyond the scope of the planning system.

### What about confidentiality with telecom providers?

56. The council accepts that on some occasions, the detailed discussions between the telecom providers will need to be private, especially where correspondence is of a commercial nature. However, the minimum expectation is for an applicant to show that suitable liaison and discussion has been held with a number of providers and this has occurred early in the process.

### What design and layout detail is needed?

57. In terms of fibre installation, the following issues should be addressed within the Statements, or as part of the application itself. It might be useful to provide such information in the form of a layout plan of the site. Issues to be addressed include:

- Type, size and likely location of the cabinet to be installed,
- The type of fibre/data cabling to be used and examples of the fittings to be attached to the building(s),
- Indicative fibre cabling routing through the site and beyond,
- The extent and type of external cabling,
- The extent and type of external ducting and chambers,
- How the infrastructure is to be delivered in terms of the phasing of the scheme and completion to conform to intended first occupancy date.

## Section 5 – Example planning conditions

58. Planning conditions will be applied. Below are two examples of what applicants should expect:

### Example 1:

Prior to the first occupation of the any dwelling/s hereby permitted OR Prior to the first occupation of the any dwelling/s in each ~~land forming phase~~ approved under condition \_\_\_\_\_, an FTTP Statement for the development OR that phase shall have been submitted to and approved by the local planning authority in writing for the installation of a high speed wholly FTTP connection to each dwelling within the development OR that phase ~~hereby approved~~, unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provisions for superfast broadband ~~that been made in the absence of FTTP~~).

Thereafter, ~~The~~ FTTP infrastructure OR alternative provision for superfast broadband in the absence of FTTP shall be laid out in accordance with the approved FTTP Statement OR approved details and be available for use on the first occupation of any each of the dwellings hereby approved.

**Reason:** To ensure that the ~~new~~ development in ~~Ashford~~ is provided with high quality broadband services enhancing ~~Ashford as an~~ its attractiveness, ~~location~~ in accordance with Policy EMP6 of the Ashford Local Plan 2030.

**(Note: first paragraph omitted where the FTTP Statement, or submitted details of alternative provision for superfast broadband in the absence of FTTP, is approved on granting planning permission and listed in the permission as an approved document.)**

**Example 2:**

Prior to the first occupation of the any premises **hereby permitted**, an FTTP Statement shall have been submitted to and approved by the local planning authority in writing for the installation of a high speed wholly FTTP connection to the **each premises within** development hereby approved, **unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP).**

Thereafter, The FTTP infrastructure OR alternative provision for superfast broadband in the absence of FTTP shall be laid out in accordance with the **FTTP Statement OR** approved details at the same time as other services during the construction process and be available for use on the first occupation of ~~the building~~ **each premises** unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an **its** attractiveness, location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

**(Note: first paragraph omitted where the FTTP Statement, or submitted details of alternative provision for superfast broadband in the absence of FTTP, is approved on granting planning permission and listed in the permission as an approved document.)**

## Section 6 – Highways

59. The DCMS Digital Connectivity Portal provides a good level of guidance relating to street works and how local authorities/highways authorities and developers/operators can work in partnership. The Street Works Toolkit found in the Digital Connectivity Portal aims to improve consistency and thereby trust, promote collaboration and complement legislation.
60. **Highways England is the highway authority, traffic authority and street authority for the strategic road network (SRN). Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M20 and A2070 in the vicinity of Ashford Borough. Any activity on the SRN falls in the realms of New Roads and Street Works Act (NRSWA) and Traffic Management Act (TMA) and any works promotor will need to abide by these. In particular there are restrictions with regards motorways and other special roads. Even works on adjacent land may be restricted. For more information please visit the [Highways England website](#) or contact Highways England (tel: 0300 123 5000, email: [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk))**
61. There is a lot of emphasis on the need for providers, developers and local authorities to engage at an early stage in order to identify the standards expected, plan appropriately and ensure the efficient deployment of networks.
62. Please refer to the Street Works Toolkit on the Digital Connectivity Portal: [www.gov.uk/guidance/digital-connectivity-portal](http://www.gov.uk/guidance/digital-connectivity-portal).



Figure 8  
**The Government's**  
Streetworks Toolkit  
**front cover**

## Section 7 – Useful contacts and information

63. The expectation will be that the applicant will have made contact with FTTP providers. Some key contacts are provided below:

Provider	Website	Telephone
Openreach <sup>11</sup>	<a href="https://www.openreach.com/fibre-broadband/fibre-for-developers/registering-your-site">https://www.openreach.com/fibre-broadband/fibre-for-developers/registering-your-site</a>	
Virgin Media	<a href="https://www.virginmedia.com/lightning/network-expansion/property-developers">https://www.virginmedia.com/lightning/network-expansion/property-developers</a>	0800 408 088
Hyperoptic	<a href="https://www.hyperoptic.com/property/">https://www.hyperoptic.com/property/</a>	0333 332 1111
City Fibre	<a href="https://www.cityfibre.com/contact-us/">https://www.cityfibre.com/contact-us/</a>	0800 083 6160
Trooli <sup>12</sup>	<a href="https://www.trooli.com/help/">https://www.trooli.com/help/</a>	0800 358 7680
<b><u>BUUK Ltd</u></b>	<b><u><a href="https://www.bu-uk.co.uk/contact-us">https://www.bu-uk.co.uk/contact-us</a></u></b>	<b><u>0135 924 0363</u></b>

64. Some providers have specific guidance for property developers that can be downloaded for information. Please use the contact details above to access these.

65. **Ashford Borough Council does not solely endorse the companies mentioned above and would suggest developers assess the whole market and make their own decision. Other companies are available however the list above are companies that are in contact with the council or are operating in or near the Ashford borough. If a provider wishes to be added to this list we will be maintaining an up to date list of registered providers on the council's website here.**

<sup>11</sup> You may register your development site on their website

<sup>12</sup> While not active in the Ashford borough at the time of writing, *Trooli* are a Kent-based provider worth contacting

## **Section 8 – The need to monitor and review**

66. The council recognises that the e-technology sector is a rapidly changing environment, where innovations occur on a regular basis. Government policy is also evolving all the time, as it tries to keep pace.
67. It therefore needs to be recognised that government policy could be introduced, even in the short term, which would supersede the guidance contained in this SPD.
68. Given this context, the council will continually monitor the sector and any changes to national policy or legislation. If a revision to this SPD is necessary, the council will progress alterations as soon as reasonably practical to do so.

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