

Issue 13:

Are the employment topic policies justified, deliverable and consistent with national policy? Will they be effective?

i) Why is the impact on rural roads highlighted in criterion d) of Policy EMP1, but not those in urban areas? Is there any reason why the reference to mitigation in criterion d) of Policy EMP1 is not included in the similar criterion in policies EMP3, EMP4 and EMP5? Is the approach to development on rural roads in these policies consistent with that outlined in Policy TRA7 and what is meant by “inappropriate”?

1. Rural roads should be considered differently to urban roads since, while both are capable of relaying traffic, these are engineered differently and have different character and cultural associations. Many rural roads are ancient in origin and character (e.g. as identified in the Ashford Heritage Strategy, NBD03), and have changed little, in diametric opposition to more strategic and urban routes which have been engineered to take appropriate volumes of traffic. Rural roads in the borough in many cases will have emerged from ancient droveways and sunken tracks, many of which will still lack pedestrian footways and can be narrow, and therefore large volumes of traffic (especially HGV movements) are likely to have a greater impact on their character, function and user-safety. Such considerations must be taken on a site-by-site basis, but will be taken into account in testing whether or not these traffic movements would be 'inappropriate', in conjunction with consideration of the accessibility of the site (PPG ID: 42-015-20140306).
2. In reference to potential mitigation, while this is assumed for Policies EMP3, EMP4 and EMP5, it is unlikely that the smaller employment developments that would be addressed under these policies would be in a position to offer sufficient mitigation across the extent of the rural network that may be affected by a proposal for this to be explicitly justified in these policies.

3. In terms of the final point, there is consistency with policy TRA7 which sets out the overall aim of dealing with levels and types of traffic movements in rural areas and the aims of Policies EMP1, EMP3, EMP4, EMP5 and EMP7 which are seeking to promote rural employment opportunities but which will require sufficient and adequate assessment of the likely traffic impacts of any such proposals..

ii) Policy EMP1 refers to 'rural settlements', Policy EMP2 refers to 'HOU3a villages', Policy EMP3 refers to 'rural areas' and EMP5 refers to 'the countryside'. Do these all relate to different geographical areas and, if so, are they clearly defined so as to give clarity on the scope of each policy?

4. Agreed that there could be more consistency introduced to describe geographical areas.
5. Suggested that the following changes are made:
Policy EMP1: Provision of new employment premises, and the redevelopment, enhancement and reconfiguration of existing employment premises will be permitted within or adjoining the built-up confines of Ashford, Tenterden and the rural settlements listed in policy HOU3, provided that:
6. Policy EMP2 should remain the same as the submission version.
7. Policy EMP3 applies to the area on the Borough outside of the Ashford urban area i.e. the whole rural area and hence should remain the same as the submission version.
8. Policy EMP5 applies to the areas of the Borough outside of the Ashford urban area and those villages under HOU3a and this is the "countryside" area. And hence Policy EMP5 should remain the same as the submission version but the paragraph 5.155 should include a reference to the above to explain the geographical differentiation.

iii) Is the intention for policies EMP1 – EMP5 to relate to all employment generating development or only those within the 'B' Use Class? In

terms of effectiveness, is the scope of these policies sufficiently clear?

9. Policy EMP1 – EMP5 relate to B class uses and it is proposed that this is made clear in the introduction section to Section B – new employment uses.

10. In terms of the overall effectiveness of the policies it is considered that the five policies provide an appropriate set of policies that cover the main policy themes that concern the provision of new employment uses, the loss or redevelopment of employment sites and premises and three policies that deal with the employment uses in the rural area and countryside.

iv) Is Policy EMP2 consistent with paragraph 22 of the NPPF in terms of the long term protection of allocated employment sites? Why is the impact on neighbouring occupiers or the environment not a consideration in Tenterden and HOU3a villages? Should the policy address employment sites and premises outside Ashford, Tenterden or HOU3a villages?

11. Policy EMP2 does not seek the long term protection of sites and it reflects the importance of employment land and premises to the overall strategy but it allows loss or redevelopment of employment sites and premises if it can be shown that the land or premises are no longer suitable provided the criteria are applicable. It is considered that policy EMP 2 is consistent with paragraph 22 of the NPPF which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

12. In terms of the second issue, it is proposed that the policy EMP2 is amended to include the appropriate reference as follows in the part of the policy that deals with Tenterden and the HOU3a listed villages:

c) The site is no longer appropriate for the continuation of the previous or any other employment use in terms of its serious impact on the neighbouring occupiers or environment.

In terms of the third issue, the Local Plan makes it clear in paragraphs 5.144 – 5.147 that rural employment is important but a balance must be struck between promoting and supporting rural employment whilst supporting the need for development to be sustainable in accordance with paragraph 28 on the NPPF. Isolated rural employment premises outside the most sustainable rural settlements will inevitably be poorly related to built up areas involving longer travel to work distances.

v) Although only expressed in paragraph 5.154, is the reference to the removal of permitted development rights consistent with PPG (ID 21a-017-20140306) which indicates that there should be exceptional circumstances for this?

13. Whilst it is clearly the intention that the text is advisory, the wording does suggest that removal of permitted development would be the norm which would not be in accordance with PPG (ID 21a-017-20140306). The text is also not relevant to the policy itself.

14. Recommended that the wording be changed to:

“When planning permission is granted for a conversion, the Council ~~will also usually~~ may remove permitted development rights to extend the building or erect additional buildings within its curtilage. ~~Without this control, the architectural and historic integrity of converted buildings and the rural character of the countryside could be damaged.”~~

vi) How does the approach in Policy EMP4 to leisure and office uses relate to Policy EMP9 in terms of the sequential test? Would conversions be exempt? If so, what is the justification for this and should it be reflected in one or other of the policies?

15. The requirements for the sequential test set out in Policy EMP9 do not apply to proposals which are supported by Policy EMP4. This is set out in Policy EMP9 by the wording ‘and are not in accordance with other policies in this plan’.

16. For clarity, the Council proposes the following two amendments:

The following should be added to para 5.203:

'or to conversions of rural buildings to employment, non-residential tourism and leisure uses permitted by Policy EMP4 of this Local Plan.'

Following para 5.154 insert:

'For the avoidance of doubt schemes which can demonstrate consistency with Policy EMP4 are exempt from the sequential test in Policy EMP9.'

17. In addition, if the Inspector considers it was clearer that policy EMP9 could be amended from '~~and not in accordance with other policies in this plan~~' to '**and are not supported by other policies in this plan.**'

18. The exemption of conversions of existing buildings in the rural area from the sequential approach is in line with the requirements of the NPPF, para 28, which states that 'to promote a strong rural economy, local and neighbourhood plans should.... support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings.....'

19. In addition, the NPPF, states at para 25, that the sequential approach to town centre development should not be applied for small scale rural offices or other small scale rural development.

20. The Council considers that the conversions of rural buildings for economic purposes is important to support the economy of the Borough as a whole, as well as the rural economy specifically. The rural economic assessment (EBD01 pages 70-73) provides evidence that the conversions of building has provided significant stock for employment uses, particularly offices, in the past. Policy EMP4 is supportive of such proposals (subject to criteria), to ensure that such employment opportunities continue to be available in the rural area. The criteria in the policy ensure that such proposals do not result in any harmful impact to the rural area.

vii) Is Policy EMP5 consistent with paragraph 28 of the NPPF in terms of promoting economic growth in rural areas? What is the justification for expecting an essential need for new premises to be in the countryside and how would this be assessed?

21. Paragraph 28 of the NPPF supports sustainable growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. It is recommended that plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Policy EMP5 supports rural employment in the countryside bearing in mind that in reality locations outside the rural settlements will be inherently unsustainable. The Policy also has to be read in line with the other policies that deal with employment uses in the rural area in totality – EMP2, EMP3 and EMP4. – see response in Part 1 to rural employment.

22. EMP5 is promoting rural employment in the countryside but is responding to the overall aim of the NPPF to achieve sustainable development. There would normally be a presumption against employment premises in isolated rural locations as they are inherently unsustainable but EMP 5 explains the circumstances where such proposals would be acceptable such as the requirement of criterion d) that requires it to be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.

23. In terms of the essential need to be in the countryside this is reflecting the need to achieve sustainable development as mainstream employment uses should be located in sustainable locations in terms of EMP1 and to enable rural employment proposals in the countryside as an exception to normal policy should be the ensure there is a need related to the rural location as indicated in para 5.155 where there is a reference to the processing of local agricultural products. The policy does allow a degree of flexibility to enable the Council to support appropriate rural employment opportunities on a case by case basis.

viii) Is Policy EMP6 consistent with paragraph 21 of the NPPF, in terms of development not being over-burdened by combined requirements of planning policy expectations and is the policy justified in terms of need and the effect on viability? Given that delivery is provided by others, how will the policy support expansion of Fibre to the Premises (FTTP)? What is meant by “reasonably sized” employment proposals?

24. In answering this question, the Council would wish to highlight that it considers Policy EMP6 to be of great significance.

25. Ashford has been at the forefront of pursuing the latest and most up to date communications infrastructure for some time. In 2008, the Core Strategy required duct space to be provided by development in order to utilise fibre cabling. Since this time, Ashford has received significant private and public sector investment and the fibre footprint of the Borough has spread significantly. It should be noted that all of Ashford’s exchanges are now fibre enabled.

26. This commitment is ongoing and the Council is known for being at the forefront of this agenda. Indeed, Priority 1 of the Council’s Corporate Plan identifies the need to prioritise superfast broadband as a means of securing inward investment and future proofing the built environment as much as possible. Within this context, Policy EMP6 seeks to deliver full fibre to the premise, wherever it is practicable to do so, and the Council considers this to be consistent with the Governments focus on ‘full fibre solutions’ as expressed through the Digital Economy Act 2017 and the Housing White Paper of 2017.

27. The Council considers that not pursuing fibre solutions will only result in the need to retrofit later, leading to complicated works being required at significant costs. This is reflected through the current retrofitting BDUK programme.

28. To assist in answering this question, the Council have appointed specialist consultants, Analysys Mason, who are working on this wider topic on behalf of the Council and the intention is for them to assist in drafting a future SPD that will deal with the implementation of EMP6 . The response to the question above is dealt with through appendix 1 which is attached to this statement.

Statement on Policy EMP6

25 April 2018 • 2013338-172

1 Introduction

This statement is a response to the questions raised by the planning inspector about Ashford Borough Council's Policy EMP6 in the Council's draft Local Plan.¹

This statement has been prepared by Analysys Mason (a specialist consultancy in telecoms, media and technology) with support from Kember Loudon Williams (a specialist planning consultancy).

1.1 Policy EMP6

Proposed Policy EMP6 sets out the Council's approach toward enabling new fibre optic broadband connections to employment and residential allocations. It states:

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

All residential and employment developments within the Ashford urban area, including the site allocations promoted in this Plan which adjoin Ashford, will enable FTTP. In the rural area, all residential developments over 10 dwellings and reasonably sized employment proposals shall enable FTTP.

For schemes under these thresholds the Council's expectation is that provision for FTTP will be achieved, where practical.

Where it can be demonstrated that fibre to the premise is not practical due to special circumstances, then non Next Generation Access technologies that can provide speeds in excess of 24Mbps should be delivered wherever practical."

1.2 Planning inspector questions

The planning inspectors questions are:

- Question 1: Is Policy EMP6 consistent with Paragraph 21 of the National Planning Policy Framework (NPPF), in terms of development not being over-burdened by combined requirements of planning policy expectations and is the policy justified in terms of need and the effect on viability?

¹ Policy EMP6 in the draft Local Plan available here: <https://www.ashford.gov.uk/planning-and-building-control/planning-policy/local-plan-to-2030/>

- Question 2: Given that delivery is provided by others, how will the policy support expansion of Fibre to the Premises (FTTP)
- Question 3: What is meant by “reasonably sized” employment proposals?

The following sections answer each of the planning inspector questions in turn.

2 Response to Question 1

The response to Question 1 considers three main points within the question:

- Consistency with Paragraph 21 of the NPPF in terms of development not being over-burdened by combined requirements of planning policy expectations
- Justification of the policy in terms of need
- Justification of the policy in terms of the effect on viability.

2.1 Consistency with Paragraph 21 of the NPPF

The NPPF and relevant paragraphs

Paragraph 21 of the current NPPF² is set within the section of policy guidance concerning ‘**Delivering Sustainable Development**’ and ‘**Building a strong and competitive economy**’. It seeks to ensure investment is not over-burdened by in-combination requirements arising from planning policies, but policies should **address barriers to investment including lack of infrastructure**. It sets out how local plans should be structured to deliver a strategy for sustainable economic growth so that the strategy:

- encourages inward investment for strategic sites
- supports business and emerging sectors
- is flexible
- plans positively for high technology or knowledge-based industry
- identifies areas for infrastructure provision
- facilitates flexible working practices.

Policy EMP6 is consistent with Paragraph 21 of the NPPF because it clearly refers to delivering infrastructure that is necessary for sustainable development. Paragraph 21 of the NPPF does not, in our view, focus only upon cost implications of policies but seeks to identify which policies are key to sustainable development (and are therefore essential) and which may be deemed more peripheral (and so could be defined as burdensome). Paragraph 21 of the NPPF seeks policies which are necessary and relevant to planning rather than encouraging policies which are not. In this context, Policy EMP6 is necessary and relevant to planning as it supports other key paragraphs in the NPPF

² The NPPF is available here: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

relating to sustainable development and economic growth, and Policy EMP6 is designed to meet the NPPF criteria identified below:

- Paragraph 7: **providing infrastructure** as part of sustainable development
- Paragraph 14: local plans having sufficient **flexibility to adapt to rapid change**
- Paragraph 19: planning providing a lead role to support **sustainable economic growth**.

More directly for Policy EMP6, Section 5 of the NPPF relates to **the UK Government's stated aim of supporting high-quality telecoms infrastructure**. The guidance makes it clear that such high-quality telecoms infrastructure is **essential for sustainable economic growth**. The guidance at paragraph 43 is particularly important as it makes clear that **planning authorities should support the expansion of telecoms networks including high-speed broadband**. Policy EMP6 also has an important social context by **enhancing community facilities and services** (paragraph 42).

Although outside the current NPPF, the March 2018 draft NPPF clearly illustrates the general direction that planning policy is taking. Section 10 explains that policies should **support the enhancement of next-generation telecoms technology including 'full fibre'** (a current policy term to indicate FTTP technology) and sets out how this is to be delivered and upgraded over time. The draft NPPF is aligning with other national policies (see next section) and market developments (see Section 2.2).

The Local Plan and other policies

Policy EMP6 builds on the previous adopted Local Plan policy CS9 and supports the Vision statements in the draft Local Plan articulated through strategic objectives policies. Policy SP1 sets out a series of guiding principles for new development. Criterion (e) seeks to **ensure development is supported by (amongst other things) e-technology infrastructure**, which includes broadband technologies such as FTTP, and Policy EMP6 supports this strategic objective.

In its Housing White Paper (February 2017),³ under section 2.20, the UK Government outlines its strong commitment to achieving 'full fibre'. The Government is keen to capitalise on implementing digital infrastructure within new developments (residential and business) and linking the planning for such infrastructure with Government initiatives such as the funding for new digital infrastructure. Further, in section 2.21 of the House White Paper, the Government discusses the requirement that local authorities have planning policies setting out how high-quality digital infrastructure will be delivered in their area. This is in line with the Government's strong commitment to achieving full fibre connectivity. Clearly the objectives of the UK Government, both in terms of policy (draft NPPF) and legislation (Housing White Paper) is to stimulate a movement from superfast broadband towards full fibre broadband and **a move from encouraging such infrastructure to requiring it through planning policy**.

³ <https://www.gov.uk/government/collections/housing-white-paper>

Policy EMP6 also supports wider policy initiatives at the centre of strategic objectives developed by the UK Government and Ofcom (the telecoms regulator). The UK Government has a commitment to make full fibre broadband available to at least 10 million homes and businesses by 2022.⁴ It is providing **funding to stimulate commercial investment in full fibre:**

- GBP400 million to establish the Digital Infrastructure Investment Fund, which aims to stimulate further commercial investment totalling GBP1 billion
- GBP200 million for the Local Full Fibre Networks (LFFN) programme available to local authorities as targeted funding to stimulate demand for full fibre and prove commercial models
- GBP67 million for a nationwide Gigabit Broadband Voucher Scheme that will provide vouchers worth up to GBP3000 for a small- or medium-sized business or GBP500 to residents to help with the costs of connecting to full fibre broadband.

The Government has also created the Barrier Busting Taskforce, as part of the Department for Digital, Culture, Media and Sport (DCMS), which is **working closely with local authorities and suppliers on removing obstacles** that are preventing the widespread commercial deployment of full fibre broadband, including in new developments. In a similar manner, the **Local Government Association has called upon Government, telecoms operators and developers to establish a FTTP Kitemark for new developments.**⁵

Ofcom has published a set of measures which aims to encourage commercial investment in full fibre.⁶ The measures include:

- Openreach obligations to allow duct and pole access (DPA) to communication providers to reduce deployment costs
- Pricing decisions to encourage investment in full fibre networks e.g. Ofcom has decided not to regulate the prices of Openreach's fastest wholesale superfast broadband products.

Policy EMP6 also supports the European Gigabit society objectives for 2025,⁷ which are that:

- all European households should have access to connectivity offering a download speed of at least 100Mbit/s which can be upgraded to Gbit/s
- all socio-economic and public service organisation (e.g. schools, hospitals) should have access to extremely high-speed gigabit connectivity
- all urban areas and major roads and railways should have uninterrupted 5G coverage.

The various European, national and local policies outlined above clearly indicate the direction of policy makers and industry is towards full fibre and planning policies that enable deployment of FTTP will provide direct support to help meet these full fibre objectives.

⁴ <https://www.gov.uk/government/news/67-million-boost-for-a-full-fibre-future>

⁵ <https://www.local.gov.uk/about/news/lga-housing-developers-must-adopt-fibre-premises-kitemaker-new-builds>

⁶ <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2018/new-rules-boost-full-fibre>

⁷ http://europa.eu/rapid/press-release_IP-16-3008_en.htm

Deliverability and burden

In terms of **deliverability of the policy and respect for the burden potentially placed upon developers**, the Council will prepare guidance in a Supplementary Planning Document (SPD) to explain in detail how the policy will function in relation to applications. It is normal practice that developers or land agents preparing planning applications will submit information commensurate with the type of planning application being made. For an outline planning application, they may prepare a general strategy document and plan for delivering infrastructure. Where the scheme is more detailed a worked-up engineering solution will be presented. Each has a different level of detail that can be used to apply an appropriate planning condition.

Similarly, for Policy EMP6, it is proposed that a developer will **prepare a short ‘FTTP statement’** explaining how FTTP can be delivered to the development. The statement would include information about where the nearest point of connection is (normally a BT exchange), options for routing of offsite connectivity (so-called ‘backhaul’) to the site and plans for an FTTP solution onsite. Discussions with telecoms operators should take place prior to submitting a planning application and this policy is designed to ensure that such dialogue occurs at an early stage in the planning lifecycle. These discussions should be reported on in the FTTP statement along with any commitment from the telecoms operators for the delivery of FTTP to the development. This commitment may, for example, be in the form of a Memorandum of Understanding (MoU) between the developer and telecoms operator or a letter of intent to supply. The requirement for **early planning can be applied to FTTP, in the same way it can be applied to other services such as drainage and municipal lighting infrastructure.**

Our consultations with telecoms operators and developers, in preparation for us providing this statement, indicate that for the largest, and many smaller, telecoms operators in the UK, FTTP is the preferred technology for providing broadband services to new developments. **Consideration of FTTP is therefore ‘business as usual’ for developers.** FTTP infrastructure is being delivered by developers in collaboration with telecoms operators in the same way as other utility infrastructure. A number of **telecoms operators have dedicated resources to engage with developers** and provide guidance for developers, as well as **offering to install FTTP at no cost to developers** in all but the smallest developments (there are published rate cards for smaller developments, which provide clarity of costs for FTTP installation). **FTTP is recognised as a key selling point** to occupiers of new commercial and residential properties.

Deferred contributions have been considered, as they are an option for other infrastructure, but the cost of retrofitting FTTP is such that it is an uneconomic strategy (see details in Section 2.3) and so FTTP will be sought in all cases. However, Policy EMP6 provides some flexibility and **if there are special circumstances where FTTP cannot be achieved** then alternative solutions can be considered. If a developer determines that FTTP is not practical, the FTTP statement will be required to explain why and, provided the reasons are justified, FTTP infrastructure would not be required.

Summary for NPPF Paragraph 21

Overall, given the consistency of Policy EMP6 with Paragraph 21 of the NPPF, as explained above, and the policy's support for other sections and paragraphs within the NPPF, its support for the draft Local Plan and wider Government and regulatory policies, as well as the 'business as usual' nature of engagement with telecoms operators, **Policy EMP6 is not considered to be an over-burden for developments**. Policy EMP6 reflects a well-established need for infrastructure and sustainable development that benefits the consumer (house buyer or business occupier) and the developer who can market the property in a more proactive and positive light.

2.2 Justification of the policy in terms of need

FTTP is part of the natural evolution of technology and improvements in broadband that has been in progress since the 1990s:

- Basic broadband was introduced in the 1990s using the copper telephone lines from BT exchanges
- Superfast broadband was introduced in the late 2000s predominantly by installing fibre up to BT cabinets and using the existing copper telephone line thereafter
- FTTP installation has been increasing since 2015, particularly in 'greenfield'⁸ developments where the economics for investment are most favourable.

There has been a **shift by the major telecoms players to FTTP driven by a combination of competition and demand**. The extent of current and future investment is significant, as summarised below:

- Investment by Openreach (the network infrastructure part of BT) and Virgin Media is in the order of billions of Pounds sterling:
 - Openreach plans to install FTTP to 3 million premises by 2020 as part of its 'Fibre First' programme, and potentially plans to install FTTP to 10 million premises by the mid-2020s
 - Virgin Media plans to install FTTP to 2 million premises by 2019/20, as part of Project Lightning
- Fund raising by smaller, 'alternative' network operators to invest in FTTP is in the order of hundreds of millions of Pounds sterling:
 - CityFibre plans to install FTTP to 1 million premises by 2021 in a venture with Vodafone, and potentially plans to install FTTP to up to 5 million premises by 2025
 - Hyperoptic plans to extend FTTP coverage to 2 million premises by 2022 and 5 million premises by 2025.

Given the scale of the market investment in FTTP, **occupiers of new developments will increasingly have expectations that FTTP will be provided as the standard technology**.

⁸ Previously undeveloped sites

In addition, we note that amongst many supporters of Policy EMP6, such as DCMS and Kent County Council, the two largest telecoms operators in the UK, namely Openreach and Virgin Media, also support Policy EMP6. Virgin Media highlighted that it promotes early engagement with developers in order to bring certainty. Virgin Media quotes examples of where early engagement is not considered by developers and notes the developer view that it is not considered a necessity, which is problematic. **Early engagement between developers and telecoms operators is a critical issue that Policy EMP6 seeks to address to deliver sustainable development.**

Overall, the need to satisfy market demand and encourage early engagement between developers and telecoms operators, emphasises the need to **adopt planning policies such as EMP6 to ensure developments are provided with the appropriate telecoms network and broadband infrastructure, i.e. FTTP.**

2.3 Justification of the policy in terms of the effect on viability

Policy EMP6 is designed to **enable FTTP deployment to all new developments where practical⁹**, and is **flexible to allow alternative broadband solutions** where it can be demonstrated that FTTP is not practical due to **special circumstances**. The policy recognises that telecoms operators have an essential role in delivery of FTTP to developments. It is not the intention of the policy that developers assume the role of telecoms operators, which is why the policy has the flexibility to consider special circumstances. This flexibility also means there is **no ‘Grampian condition’ burden on developers.**

Policy EMP6 effectively encourages stronger collaboration between property developers and telecoms operators to enable efficient investment of FTTP to new developments, so that situations do not arise which result in retro-fitting FTTP after the build is complete. **Providing FTTP to greenfield sites can offer significant cost savings compared to retrofitting FTTP.** For example, the costs of installing duct in an open trench in a ‘greenfield’ scenario during build will be a few pounds (GBP) per metre whereas a retrofit scenario could cost more than GBP100 per metre (assuming existing duct network cannot be reused). Retrofit deployment could easily range from being 10 to 100 times more costly than greenfield deployment. Aside from the higher costs associated with retro-fitting, there will also be significant disruption to residents and businesses (even if existing duct network can be reused).

Telecoms operators are increasingly working with developers to enable FTTP on new developments and multiple telecoms operators have agreements with the Home Builders Federation (HBF), as summarised in Figure 1.

⁹ Paragraph 5.160 of the draft Local Plan

Figure 1: Existing propositions for connecting new developments [Source: Analysys Mason, operator websites, 2018]

Operator	Proposition for new developments
Openreach	<ul style="list-style-type: none"> Openreach has an agreement with the HBF to provide free FTTP connectivity to all new developments over 30 homes Smaller developments (2–29 homes) will be connected based on an agreed rate card This requires developers to notify Openreach of the development with sufficient notice and engage with its design and build process
GTC	<ul style="list-style-type: none"> GTC will provide connectivity free of charge to developments consisting of 40 plots or more
Virgin Media	<ul style="list-style-type: none"> Virgin Media has an agreement with HBF to provide technical guidance, free initial site assessments, a rebate scheme to cover cost of work required and free equipment

Additionally, Hyperoptic announced in November 2017 that it is **working with 100 UK developers**, which further indicates the extent of collaboration between telecoms operators and property developers to deliver FTTP to new developments.¹⁰

It is notable that when Openreach first introduced its policy in February 2016 the threshold for delivering FTTP connectivity free of charge to new developments was 250 homes. The decrease of the threshold since then has been driven by a range of factors such as competition, customer demand and willingness to pay for higher speeds, and more efficient deployment that has lowered the cost of installation. Our view following consultations with telecoms operators is that thresholds will likely be lowered further in the future.

Reviewing the Local Plan, it is clear that the vast majority of sites that are allocated for development are envisaged to deliver 30 dwellings or more. There are also several schemes that currently have planning permission but are not yet built that also achieve this threshold. For ease of reference, the only proposed new site allocations which fall below 30 dwellings (the Openreach threshold for free FTTP) are as follows:

- New urban sites:
 - Kennard Way – Henwood S9 (25 dwellings)
 - Chart Road S46 (25)
- New rural sites:
 - Aldington – Land north of Church View S51 (10)
 - Aldington – Land South of Goldwell Court S52 (20)
 - Appledore – The Street S26 (20)
 - Brook – Nats Lane S53 (10)
 - Challock – Land at Clockhouse S54 (15)
 - Charing – Northdown Service Station, Maidstone Road S28 (20)
 - Chilham – Branch Road S56 (10)
 - Egerton – Land on New Road S30 (15)

¹⁰ <https://www.hyperoptic.com/press/posts/hyperoptic-hits-100-developer-milestone/>

- Mersham – Land at Old Rectory Close S59 (15)
- Mersham – Land adjacent to Village Hall S35 (10)
- Shadoxhurst – Land rear of Kings Head PH S36 (25).

3 Response to Question 2

Policy EMP6 will support the expansion of FTTP **primarily because of the policy’s requirement for early engagement between planning applicants and telecoms operators** in order to prepare an FTTP statement, as described in Section 2.1.

As illustrated in Section 2.3, FTTP should be viable for the vast majority of dwellings in the draft Local Plan. Therefore, **the FTTP statement for these dwellings should provide sufficient certainty of FTTP viability** such that paragraph 41 of Circular 11/95 can be relied upon to provide a positively worded condition such as: “prior to commencement of the development hereby approved, a scheme for the delivery of FTTP shall be submitted to and approved by the local planning authority. The scheme shall then be implemented in accordance with the approved details”.

The FTTP statement might need to **explain why it is not practical to deliver FTTP** to certain dwellings, and what the special circumstances of these dwellings might be. This would particularly be the case for developments in rural areas. In such cases, the condition could be altered to provide the applicant with flexibility, for example: “prior to commencement of the development hereby approved, a scheme for the delivery of FTTP, or an alternative solution if appropriate, shall be submitted to and approved by the local planning authority. The scheme shall then be implemented in accordance with the approved details”.

However, it is notable that other policies in the draft Local Plan (such as HOU3a and HOU5) mean that **the majority of new dwellings in rural areas will be expected to be located in sustainable locations where the opportunity for FTTP is greater**. This is because coverage of superfast broadband in rural areas is generally good, meaning that new developments are likely to be close to telecoms infrastructure (mainly for ‘backhaul’) that improves the viability of FTTP. Consequently, **there is every likelihood that even small sites within rural areas can comply with Policy EMP6**.

4 Response to Question 3

There is no formal definition within Policy EMP6 or supporting text which defines ‘reasonably sized employment’. The intent is that the SPD will set out the guiding criteria for assessing reasonably sized employment. Employment types and space vary considerably and also change over time, so **using the SPD provides the flexibility to adapt to rapid change** in this context. For example, a very ‘space-hungry’ building may only deliver 2 or 3 jobs whereas some small premises may deliver 15–20 jobs. The type of facility will also have different requirements. For example, a high-tech storage and distribution centre may have significantly different broadband requirements than a similarly sized warehouse storing paper. As such it will be a matter for the SPD to explain why there is no employment size definition and how applicants within their FTTP statements can address the issue of employment. It is proposed that the applicant should assess the nature of the development

and provide robust evidence, which either includes the scheme within the remit of Policy EMP6 or excludes it. It will be necessary to have regard to location, employment type (use class), and scale. In this way, Policy EMP6 provides flexibility to adapt to the nature of the development in relation to employment.

5 Concluding remarks

In responding to the three inspector questions in Section 1.2 above, this statement has set out how Policy EMP6 is justified and proportionate. In particular, we have highlighted the following:

- Alignment with, and support of, national and local policies, as described in Section 2.1
- Need for the policy to satisfy market demand, as demonstrated in Section 2.2
- Effect on viability supported by the significant investment in FTTP by telecoms operators and the UK Government, as explained in Section 2.3
- Practical deliverability of the policy in line with standard practice, as described in Sections 2.1 and 3.