

Number: WG39453



Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Next Generation Access Broadband – Public Consultation 2019

Date of issue: 12 November 2019
Action required: Responses by 12 December 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

1. Introduction.....	3
1.1. Objectives	3
1.2. How to respond	3
1.3. Deadline	3
2. General Data Protection Regulation (GDPR).....	4
3. Context	6
3.1. Past OMRs and NGA Intervention	6
3.2. 2019 OMR.....	6
4. Treatment of Information Received in OMR Responses	7
4.1. Overview of information received.....	7
4.2. NGA broadband information	7
4.3. Out of Scope premises	8
5. Findings.....	9
5.1. Introduction	9
5.2. Premises and postcode breakdown	9
5.3. Data outputs	10
6. Your Response to this Public Consultation	11
6.1. Objectives	11
6.2. Specific feedback sought.....	11
6.3. How to respond – Residents and businesses in Wales.....	11
6.4. How to respond – Local Authorities, public bodies and industry organisations	14
6.5. How to respond – Telecommunications providers	15
6.6. Treatment of Information Provided.....	17
6.7. Next Steps.....	17
Annex A: Glossary of terms.....	18

1. Introduction

1.1. Objectives

The purpose of this Public Consultation is to confirm the premises in Wales which do not have Next Generation Access (NGA) broadband infrastructure – i.e. capable of delivering at least 30Mbps to premises – and/or Gigabit services, or where there are no plans to provide such infrastructure over the next three years.

This process enables all interested parties to comment on the classification and mapping of premises produced by a 2019 Open Market Review (OMR), in which telecommunications providers recently provided information on their NGA plans.

The primary reason for carrying out this Public Consultation is to fully understand broadband connectivity across Wales, and thereby to support the Welsh Government and Local Authorities in any potential future interventions.

1.2. How to respond

The Welsh Government is inviting responses to this public consultation from three types of stakeholder.

In considering your response to the findings outlined in section 5, please follow the instructions relevant to you.

Residents and businesses: see instructions in Section 6.3

Local Authorities, public bodies and industry organisations: see instructions in Section 6.4

Telecommunications providers: see instructions in Section 6.5

For the avoidance of doubt, there is no need to respond to this Public Consultation if you have no comment to make. Please limit your response to the information requested, rather than broader comments on broadband coverage or service issues.

Large print, Braille and alternative language versions of this document are available on request.

1.3. Deadline

This consultation will be open until 17:00 on 12th December 2019.

2. General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:

Welsh Government

Cathays Park

CARDIFF

CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113
Website: <https://ico.org.uk/>

3. Context

3.1. Past OMRs and NGA Intervention

The Welsh Government conducted its first OMR and Public Consultation in June 2011. Following this OMR and subsequent procurement process, the Superfast Cymru grant agreement to deliver superfast broadband to a defined intervention area was awarded to BT in 2012.

Superfast Cymru delivered superfast broadband access to circa 733,000 homes and businesses in Wales (at >24 Mbps), of which 717,000 can achieve speeds of at least 30Mbps. The project was delivered with a public sector investment of over £200m. The technology rolled-out by Openreach was primarily Fibre to the Cabinet (FTTC) with some Gigabit-capable Fibre to the Premises (FTTP) technology. This roll-out finished in 2018.

During Superfast Cymru two further OMRs were carried out to keep track of the changing picture of connectivity and the plans of private telecommunications providers. An OMR in 2014 resulted in further premises being brought in to the Superfast Cymru grant agreement.

A further OMR was carried out in 2017 to reassess the number of White¹ premises remaining in Wales. Based on the information produced, a further Welsh Government fibre roll-out project has been procured, which will fund connectivity to a further 26,000 premises across Wales. All of these premises are planned to be served by FTTP technology. This will be achieved with £26m of public subsidy from the Welsh Government and EU funding.

3.2. 2019 OMR

The OMR detailed within this Public Consultation was held by the Welsh Government between the 19th July 2019 and 20th August 2019. The Welsh Government issued a formal request for information to all known broadband infrastructure operators within Wales and to other providers known to have networks across the UK (or potentially having plans to deploy them). The OMR was also publicised through a notification on the [Welsh Government's website](#).

Telecommunications providers were requested to provide information at a premises level on their existing and planned NGA broadband and/or Gigabit infrastructure. This information was requested to enable the Welsh Government and Local Authorities to fully understand connectivity in Wales. It should be noted that the "Intervention Area" produced is intended to serve as a guide to potential future interventions, rather than relating to a planned procurement.

¹ NGA White premises are those in which no NGA broadband infrastructure operators are currently present nor have plans to provide a service at 30Mbps or above in the next 3 years.

4. Treatment of Information Received in OMR Responses

4.1. Overview of information received

The Welsh Government received material responses to the OMR Request for Information (RFI) from 12 telecommunications providers. Premises level information was provided by some of them, but others provided data only at postcode level. Therefore, in the absence of consistent premises level data, the Welsh Government has mapped *where possible* at UPRN² (Unique Property Reference Number) premises level – or alternatively, where this information was not available, areas have been mapped at postcode level.

4.2. NGA broadband information

For the NGA mapping exercise both premises level and postcode level were defined using the following criteria.

With regard to premises level data:

- A premises is turned Grey if there is only one broadband infrastructure operator providing NGA services
- A premises is turned Black if there are at least two broadband infrastructure operators providing NGA services
- All other premises remain White i.e. no NGA broadband infrastructure operators are present.

With regard to postcode level data:

- A postcode is turned Grey if there is only one broadband infrastructure operator providing NGA services
- A postcode is turned Black if there are at least two broadband infrastructure operators providing NGA services
- A postcode is also turned Black if there is one postcode provider and one or more premises provider
- All other postcodes remain White i.e. no NGA broadband infrastructure operators are present.

The potential Intervention Area³ also includes Under Review areas (both 'Under Review premises' and 'Under Review postcode'). These are areas that

² A Unique Property Reference Number (UPRN) is a unique alphanumeric identifier for every spatial address in Great Britain which is found in Ordnance Survey Address products. The UPRN provides a comprehensive and consistent identifier throughout a property's life cycle from planning permission through to demolition.

³ As noted in section 2.2, the Intervention Area is intended to serve as a guide to potential future interventions, rather than relating to a planned procurement

have been indicated by broadband infrastructure providers to have planned commercial coverage for NGA broadband (within the next 3 years). However, at present these particular NGA upgrades and/or network rollouts have not been fully proven and/or completed, and therefore may be 'at risk' of being completed and NGA services being delivered to these premises. In cases where either postcodes or premises are thus flagged as Under Review, the telecommunications provider's deployment plans will be subject to continued monitoring and verification by the Welsh Government. In the event that these commercial plans fall away, these postcodes and/or premises would be mapped as NGA White (and would potentially form part of any future Intervention Area).

4.3. Out of Scope premises

The potential Intervention Area also has an 'Out of Scope' classification. This refers to premises which have already been subject to other BDUK funded arrangements and which are therefore ineligible for any future intervention funding. It should be noted that during the 2017 OMR process, BDUK Out of Scope exclusion areas were defined for Cardiff, Swansea, and Newport – as these areas were already subject to other BDUK funded arrangements such as the Super Connected Cities Programme and the Broadband Connection Voucher scheme.

However, in the case of the current OMR the equivalent areas have been treated differently. Given that the main purpose of the current OMR is to obtain a complete picture of connectivity across Wales, the Out of Scope areas relating to these cities have been reintegrated into the potential Intervention Area – so that it effectively includes all premises in Wales currently lacking coverage. No premises are therefore shown as being Out of Scope.

In doing this, the Welsh Government fully understands that if the 2019 OMR data were to be used in the future to help determine any potential Intervention Areas and prospective procurements, then the legality of carrying out any intervention in these exclusion zones would need to be investigated further with BDUK.

5. Findings

5.1. Introduction

The information below represents the findings of the OMR, based on analysis and aggregation of data received from telecommunications providers. Stakeholders are invited to comment on this information.

Please note that the type of comment sought differs depending on the type of stakeholder – **please refer to section 6 for guidance on how to respond.**

5.2. Premises and postcode breakdown

The analysis of existing and planned coverage (within the next 3 years) has identified the remaining White areas. The outcome of the OMR is summarised in the table below:⁴

Consultation Status	Premises (Info provided at postcode level)	Premises (Info provided at premises level)	Total Premises
Black	379,324		379,324
Grey	22,271	1,119,640	1,141,911
Under Review	128	27,750	27,878
White	-	96,111	96,111

The number of White premises within each Local Authority in Wales is shown below:

Local Authority	Number of White Premises
Blaenau Gwent	1,488
Bridgend	2,684
Caerphilly	1,372
Cardiff	1,028
Carmarthenshire	12,838
Ceredigion	7,181
Conwy	3,794
Denbighshire	4,689
Flintshire	3,730
Gwynedd	8,969
Isle of Anglesey	3,466
Merthyr Tydfil	900
Monmouthshire	5,590
Neath Port Talbot	1,941
Newport	1,751
Pembrokeshire	9,819
Powys	13,188

⁴ For reference the total number of postcodes corresponding to the all the premises across Wales is 90,660.

Rhondda Cynon Taff	3,237
Swansea	2,440
Torfaen	998
Vale of Glamorgan	2,213
Wrexham	2,785
Welsh Premises Listed in England ⁵	
Cheshire West and Cheshire	3
Gloucestershire	1
Shropshire	6
Total	96,111

5.3. Data outputs

Three data sources have been generated from the information gathered.

1. An [interactive NGA broadband map](#) – showing Black, Grey, White and Under Review premises and postcodes, resulting from the OMR analysis;
2. A postcode list showing the number of White premises, which can be found on the [Welsh Government's website](#); and
3. Premises level data is available upon request, subject to the signing of a Public Sector End User Licence which can be found on the [Welsh Government's website](#).

Section 6 below gives further information on how to use these outputs to generate your response to this consultation.

⁵ These premises are physically within Wales but are categorised by ABP as being associated with an English Local Authority.

6. Your Response to this Public Consultation

6.1. Objectives

The primary reason for carrying out this OMR 2019 is to fully understand connectivity in Wales and to support the Welsh Government and Local Authorities in any potential future interventions and public procurements. Therefore, the purpose of this Public Consultation is to confirm areas which still do not have NGA broadband infrastructure (delivering at least 30Mbps) and/or Gigabit services, or where there are no plans to provide such infrastructure over the next three years.

Section 5 above details the initial findings of the OMR with regard to premises and postcodes and provides a link to an interactive map allowing stakeholders to review how individual premises and postcodes have been classified. The aim of this consultation is to seek **specific feedback** (see section 6.2 below) on these findings and the mapping produced.

All responses to the public consultation will be carefully considered and, where appropriate, will be used to refine the final map of the Intervention Area. The final Intervention Area maps, and a summary report confirming details of the changes made to the Intervention Area as a result of this consultation, will be published on the Welsh Government's website shortly after the close of the consultation period.

6.2. Specific feedback sought

The Welsh Government is inviting a tailored response from three types of stakeholder:

- Type A: Residents and businesses;
- Type B: Local Authorities, public bodies and industry organisations;
and
- Type C: Telecommunications providers.

Instructions for each stakeholder are detailed below.

All responses are to be submitted to the Welsh Government no later than **17:00** on the **5th December 2019**. All responses should be submitted within the consultation timescales and in accordance with the instructions below. Responses received after the consultation closes may not be considered.

6.3. How to respond – Residents and businesses in Wales

We have asked telecommunications providers to share with us their superfast broadband coverage (30Mbps+) and plans for Wales for the next three years. We have gathered this data through an Open Market Review (OMR).

We are now inviting residents and business owners in Wales to check this data, specifically the availability of superfast broadband to their premises. You will only need to respond to this consultation if you can see any errors in the data for your premises.

If you would like to respond we have outlined the process below.

Step 1 – What broadband service can I already get?

Firstly check if you already have access to a broadband service. The majority of homes and businesses in Wales have access to superfast broadband at 30Mbps or above so you may already be able to get faster broadband. You need to check the latest position at your premises today, even if you think fast broadband speeds are not available, as availability can change.

Ofcom, the regulator for telecommunications services, has [a checker that you can use to check availability at your premises](#).

Step 2 – How can I check that the data for my premises is correct?

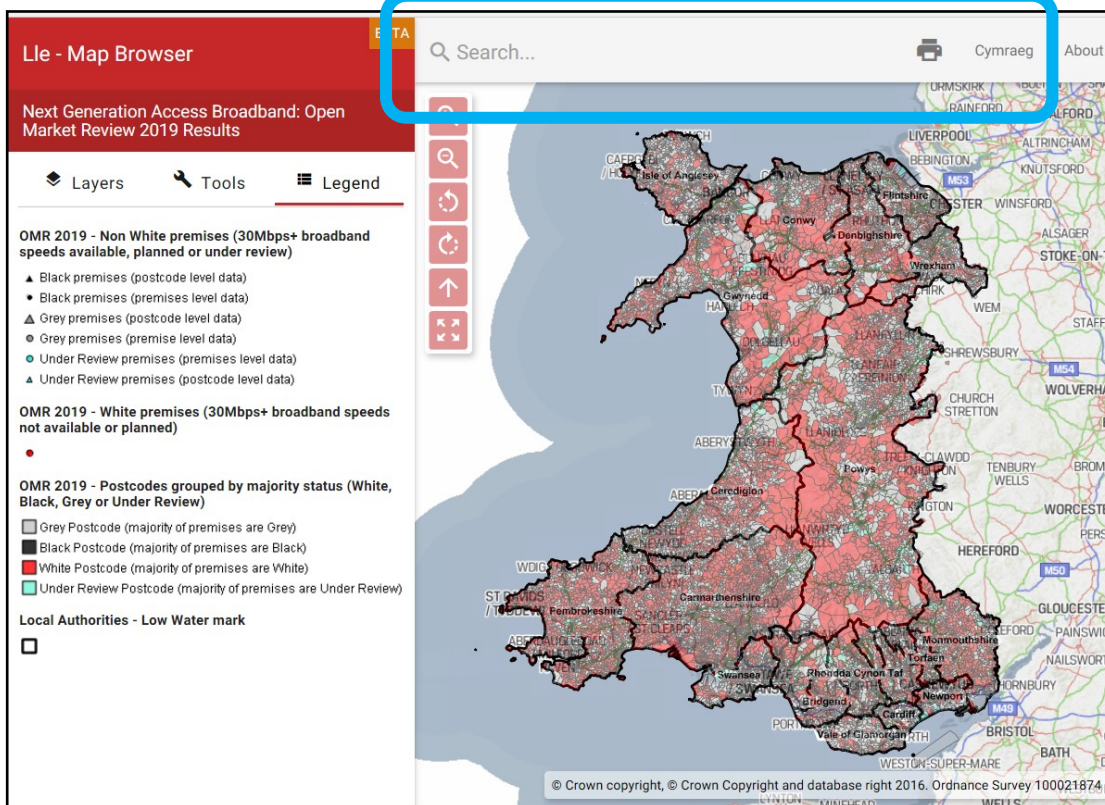
Using the data received through the OMR each premises in Wales has been classified depending on its current or future ability to access broadband at over 30Mbps.

The classifications are:

- **‘White’ premises** = premises which have no access to broadband at over 30Mbps and where there are no plans for it to be available within the next three years;
- **‘Grey’ premises** = premises which have access to broadband at over 30Mbps or plans for it to be available within the next three years; but there is only one network providing this;
- **‘Black’ premises** = premises which have access to broadband at over 30Mbps or plans for it to be available within the next three years; provided by at least two network providers; and
- **‘Under Review’ premises** = these are premises that we are continuing to monitor closely as we have either been told by providers that there are plans for network coverage to be rolled out to them within the next three years or we have not been able to fully prove that a network with access to fast broadband exists.

We have plotted this [data on an interactive map](#)

The map should load as in the image below:



To the left-hand side of the map there is a legend showing the symbols used for each of the different types of premises categories. Please note that White premises are marked in the colour red to make it easier to view them on the map.

Above the map there is a search bar (see marked in blue in the above image). Insert your postcode or street address here and press 'enter'.

You will now be taken to a zoomed in view of the map around your premises. Click on your premises on the map to get the full data.

A box will appear showing the following information:

- Status – the classification for your premises, e.g. Black, White or Grey;
- UPRN – this is the 'unique premises reference number' for your premises. **Please take a note of this if you are planning to respond;**
- Number or Text – the street number or name of your premises;
- Street – the street that your premises is located on;
- Town – the town your premises is located in;
- Postcode – the postcode of your premises; and
- Class Description – a description of your premises (e.g. type of house or business).

Check that the status of your premises is correct. If anything is incorrect or your address can't be found continue to step 3 to respond to the consultation.

Step 3 – How can I respond to the consultation to report an issue with the data for my premises?

Make sure that you have taken a note of the status classification of your premises and the UPRN before you respond to us. Your UPRN can be found on the [interactive map](#) and can be copied by highlighting it, right clicking and selecting copy to then be pasted into your response.

We have set up an [online form](#) to collect all responses from residents and business owners in Wales. For information regarding what to expect when you contact the Welsh Government and provide us with your personal information please read the [Welsh Government's privacy notice](#).

The form will ask you for the full address and landline telephone of the premises you are responding about, your email address, information on what the issue is with the data and any further information you have that may be useful.

Please note that consultation responses are only to report issues with the data. We are not able to answer general enquiries about broadband through this process and we will only contact you if we have further questions about your response.

Alternatively if you have any general questions about broadband access in Wales please use our ['contact us' form for further information about superfast broadband](#).

6.4. How to respond – Local Authorities, public bodies and industry organisations

The Welsh Government is requesting Local Authorities, public bodies and industry organisations to provide input into this public consultation – in relation to the way in which publicly funded broadband schemes with which they are involved (or of which they are aware) may affect the findings outlined in Section 5. Local Authorities, public bodies and industry organisations are therefore invited to examine the information and [interactive map](#) provided in Section 4. The Welsh Government is also able to provide a premises dataset for a given Local Authority or pertinent area for the purposes of the response (this will require signing a Public Sector End User Licence). With the benefit of this data, please answer the following specific questions:

1. Are you involved with, or aware of, any current or planned investment in NGA broadband and/or Gigabit services (within the next three years) which may not already be included within the proposed Intervention Area?
2. If so, can you provide evidence of these investments, including (but not limited to):
 - UPRN / postcode level data (upon request the Welsh Government can provide a submission template);

- Proposed roll-out dates and details of the execution of plans, including proposed tenders or contracts awarded to telecommunications providers;
 - Evidence to substantiate actual plans for coverage including business cases and evidence of available funding to enable plans to be fulfilled;
 - A detailed description of the technology solution(s) deployed (or to be deployed) in your broadband infrastructure; and
 - Maps detailing the premises affected by current or proposed plans of investment.
3. Please indicate clearly whether each scheme in question:
- Is at proposal stage;
 - Has funding agreed and committed;
 - Is being installed / during roll-out; and
 - Is complete / operational.

Respondents should email OMR19@gov.wales titled “Welsh Government Public Consultation Response” and include:

- Your organisation’s name (if applicable);
- Your organisation’s address (if applicable);
- Your name;
- Position;
- Contact telephone number; and
- Email Address.

Please supplement the required information above with any supporting evidence you consider appropriate (e.g. links to public websites). The Welsh Government also requests confirmation from an authorised signatory that the information provided is suitably accurate and up to date.

6.5. How to respond – Telecommunications providers

The Welsh Government is inviting telecommunications providers to examine the information and [interactive map](#) provided in Section 5, in order to provide any additional / differing information on NGA and Gigabit infrastructure which may affect the premises classification produced. The Welsh Government is also able to provide a premises dataset for the purposes of the response (this will require signing a Public Sector End User Licence).

In relation to this data, please provide details and supporting evidence of any additional / differing current or planned investment in broadband infrastructure (NGA broadband and Gigabit broadband) in Wales. In the case of planned investment, we are particularly interested in plans for the coming three years (to November 2022). Beyond completion of the spreadsheet template, any information provided in response to this request should include but not be limited to:

- Premises detail for NGA and Gigabit broadband showing the existing coverage and separately, data (and maps) detailing the planned investment in the NGA and Gigabit infrastructure networks for at least the next three years;
- Exact detail of premises passed or covered, including information on the number of premises passed (in the case of a fixed network) or covered and able to receive services (in the case of a wireless/satellite network);
- Details of the technology and where these claim to be NGA, demonstrating how they meet the minimum standards as set-out in the BDUK Technology Guidelines⁶. For Gigabit services comparable information demonstrating delivery at Gigabit speeds;
- Description of the services / products currently offered and separately, those to be offered within the next 3 years;
- Installation and rental tariffs for those services/products clearly identifying whether they are inclusive or exclusive of VAT;
- Upload and download speeds typically experienced by end users;
- Appropriate indicators of quality of the service e.g. contention ratio or bandwidth allocation per end user;
- Evidence to substantiate actual or planned coverage claims including business cases and evidence of available funding to enable plans to be fulfilled;
- Details and timing of roll-out for future investment; and
- Confirmation from an authorised signatory that all information provided is of suitable accuracy.

The OMR Response Template will be released to providers once a signed Public Sector End User Licence, which can be found at the Welsh Government Public Consultation Portal, has been returned to OMR19@gov.wales.

Before we release the template, please first identify the geographic areas of Wales which you cover or plan to cover – indicating the relevant Local Authority Areas. We will then send a version of the OMR Response Template tailored to these specific areas.

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/536767/2016_NBS_-_State_Aid_Guidance_-_NGA_Technology.pdf

A worked example can also be found at <https://www.gov.uk/government/publications/2016-nbs-tech-guidelines>

Respondents should email OMR19@gov.wales titled “Welsh Government Public Consultation Response” and include:

- Your organisation’s name (if applicable);
- Your organisation’s address (if applicable);
- Your name;
- Position;
- Contact telephone number; and
- Email Address.

Please supplement the required information above with any supporting evidence you consider appropriate (e.g. links to public websites). The Welsh Government also requests confirmation from an authorised signatory that the information provided is suitably accurate and up to date.

6.6. Treatment of Information Provided

For information regarding what to expect when you contact the Welsh Government and provide us with your personal information please read the [Welsh Government’s privacy notice](#).

Commercially sensitive data provided in your response will be treated as commercially confidential to the Welsh Government, albeit that it may be necessary to share some/all of your response data with our professional advisors and/or DCMS/BDUK, Ofcom, Department for Business Innovation and Skills State Aid Branch and the European Commission in the course of seeking State Aid.

Published data sets and maps will be assimilated utilising data from all relevant operators and will not be directly attributed to a single source.

6.7. Next Steps

Following any responses received to this Public Consultation by the closing date of 12th December 2019, the Welsh Government plans to publish the final Intervention Area maps shortly after the close of the consultation period.

Annex A: Glossary of terms

TERM	DEFINITION
BDUK	Building Digital UK (BDUK), part of the Department for Digital, Culture, Media and Sport, is responsible for UK government public funding to support the delivery of better broadband and mobile connectivity to the UK. BDUK is the National Competence Centre for state aid compliance within the UK and acts as a national Broadband Competence Office.
FTTC	Fibre to the Cabinet. This is the most widely available form of superfast broadband infrastructure in the UK, which uses the existing copper telephone network. Fibre is installed to a nearby cabinet, connecting the remaining distance to each premises with the existing copper line. FTTC connections can handle download speeds of up to 80 megabits per second, but this speed will decrease the further a premises is from the cabinet.
FTTP	Fibre to the Premises. This is where optical fibre is run directly to each premises, allowing for a fully future proofed internet connection. Speeds offered over FTTP are far above the national average – typically up to 1 gigabit per second (1000Mbps). Very high upload speeds are also offered, which is particularly useful for businesses or those working from home.
Gigabit Broadband	Gigabit broadband is broadband which is capable of delivering speeds of 1Gbps+.
NBS	The 2016 National Broadband Scheme is consistent with the requirements of the European Commission’s Broadband Guidelines and requires transparency in the investment of public funding for broadband project. The requirements of the 2016 NBS place certain obligations and responsibilities on BDUK as administrator of the Scheme (the National Competence Centre), on implementing bodies as aid granting authorities and on suppliers as aid beneficiaries.
Next Generation Access (NGA) broadband infrastructure	The physical structures required for the operation of superfast broadband services delivering speeds of at least 30Mbps.
Open Market Review (OMR)	An exercise carried out with the market to determine expected private sector deployment of NGA broadband in order to identify those areas which have no qualifying broadband infrastructure

	or where there are no plans to provide such infrastructure over the next three years.
Unique Property Reference Number (UPRN)	A unique identifier for every spatial address in Great Britain. It provides a comprehensive, complete, and consistent identifier throughout a property's life cycle – from planning permission through to demolition.