

Shropshire Council

Your response

Question	Your response
<p>Question 1: (Section 4) Do you agree with our proposals on the coverage obligations as set out in this section? Please give reasons supported by evidence for your views.</p>	<p>Confidential? – N</p> <p>Please see our detailed response to this section, which is appended to this form.</p> <p>Thank you.</p>
<p>Question 2: (Section 5) Do you agree that we have identified the correct competition concerns?</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>
<p>Question 3: (Section 5) Do you agree with our assessment of these competition concerns, and our proposed measure for addressing them? Please give reasons supported by evidence for your views.</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>
<p>Question 4: (Section 6) Do you agree with our proposal to proceed with a conventional assignment stage?</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>
<p>Question 5: (Section 7) Do you agree with our proposal to use a CCA design for this award?</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>
<p>Question 6: (Section 7) Do you have any comments on the proposed detailed rules for our CCA design?</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>
<p>Question 7: (Section 8) Do you agree with our proposed approach to coexistence in the 700 MHz band?</p>	<p>We do not intend to comment at this time</p> <p>Confidential? – Y / N</p>

Question 8: (Section 8) Do you have any comments on the proposed licence obligation and guidance note (annex 19)?	We do not intend to comment at this time Confidential? – Y / N
Question 9: (Section 9) Do you agree with our proposed approach to managing interim protections for registered 3.6-3.8 GHz band users?	We do not intend to comment at this time Confidential? – Y / N
Question 10: (Section 9) Do you agree with our 3.6-3.8 GHz in-band restriction zone proposals?	We do not intend to comment at this time Confidential? – Y / N
Question 11: (Section 9) Do you agree with our view that we do not need to include any specific conditions in 3.6-3.8 GHz licences to mitigate the risk of adjacent band interference?	We do not intend to comment at this time Confidential? – Y / N
Question 12: (Section 10) Do you agree with the non-technical conditions that we propose to include in the licences to be issued after the award of the 700 MHz and 3.6-3.8 GHz bands?	We do not intend to comment at this time Confidential? – Y / N
Question 13: (Section 11) Do you agree with the technical licence conditions we propose?	We do not intend to comment at this time Confidential? – Y / N

Shropshire Council Response

1.0 Shropshire Context

1.1 Shropshire is approximately ten times the size of all the Inner London Boroughs put together (31,929 hectares; source: ONS Census 2011), with a shade under one person per hectare (0.99 persons; 317,450 population; source: ONS mid year estimates 2017), for a terrain covering 319,736 hectares. Another way of putting this is to say that we have the same population as Nottingham, but we are 42 times bigger. An additional dynamic is that, unlike for example Cumbria, the population is dispersed across the entire county rather than there being any areas where no one lives at all.

1.2 If you are looking for Shropshire on a map of the United Kingdom, you will need to look to the middle of England on the map, and then to the far west of Birmingham, just next to Wales. Travel to work patterns across the porous borders indicate large numbers travelling

- for work to the West Midlands, to the South and East, and North and North West, to Cheshire, Staffordshire and Manchester and beyond, as well as into Wales.
- 1.3 Around 34% of Shropshire's population lives in villages, hamlets and dwellings dispersed throughout the countryside. The remainder live in one of the 17 market towns and key centres of varying size, including Ludlow in the south and Oswestry in the north, or in Shrewsbury, the central county town.
- 1.4 Shropshire is the second largest inland county in England, after Wiltshire, and being inland also brings its own challenges. There is a dependency on a limited number of key arterial transport routes, for trade and supply including freight through the county to Wales and Ireland, or up to the North West, as well as for everyday transport for local communities and businesses. It is also quite literally exposed to extreme weather conditions, with roads that are liable to flooding, and a lack of viable alternatives leading to congestion and lengthy diversions. The physical terrain poses practical challenges for digital and physical infrastructure, as well as the high service delivery costs and access issues associated with a dispersed and ageing population. Despite the great work that local broadband programmes like Connecting Shropshire are doing, digital connectivity remains a real challenge in rural locations. 96% of premises in England now have access to superfast broadband (30Mbps +) – this rises to as much as 99% in a city location such as Nottingham, but is just 91% in Shropshire (source: Think Broadband).

2.0 Context for Response to Ofcom

- 2.1 We have noted that the stated role of Ofcom is to manage the airwaves – or spectrum – used by all wireless devices, including mobile phones. We endorse the statements made by Ofcom that reliable mobile services have become essential to how people live and work across the UK, and that mobile phone networks must keep pace with the growing needs for capacity and for coverage. This is a priority for Shropshire Council as much as it is for Ofcom.
- 2.2 The document to which we are responding sets out proposals for an award of spectrum to enable the industry to provide services with greater capacity and wider coverage, and to pave the way for companies to take advantage of new wireless technologies, including 5G. We note that Ofcom are proposing to provide strong incentives for the companies which participate in the award to invest in providing better quality services in rural areas, furthering ambition to achieve comprehensive mobile coverage for people right across the United Kingdom.
- 2.3 Given that the ambition of Ofcom is to see coverage of good quality mobile broadband from a choice of providers, wherever people live, work and travel, it is in our view crucial for Ofcom to now listen and take account of the evidence that we provide in this response, in shaping national policy direction on this matter in ways that will truly benefit rural communities and businesses.
- 2.4 The Council's position as an advocate of evidence based policy making on digital connectivity is one that we have demonstrated to Ofcom in previous consultations as well as direct to Government departments, and through parliamentary committee calls for evidence on this and other issues. A notable example of the latter is our response to the House of Lords Rural Economy Committee Inquiry, in which we provided details of what we see as the challenges and opportunities of digital connectivity. Our most recent example of the former is our

response to DCMS in December 2018 to its call for evidence around proposals for providing connectivity to new build developments.

- 2.5 Our collegiate approach to sharing our evidence with other local authorities through channels such as the Local Government Association (LGA), the County Councils Network (CCN) and the Rural Services Network (RSN), and to submitting collaborative responses through these channels, is typified in the response we made to DCMS, made with parallel references to LGA views, and is an approach to which we hold again here. We are also contributors to the Digital Connectivity Working Group, which meets under the auspices of ADEPT, and supports a members' group set up by the LGA.
- 2.6 Our response sets out to be as representative as possible, not only of Shropshire but also of the Marches LEP subregion, given the commonalities of the issues that we face around digital and physical infrastructure challenges. Our focus is on chapter 4 as being of most relevance for us as a local authority.
- 2.7 Given the consistency of our messaging, it is disappointing therefore to see the proposals that are now being put forward, and their alteration from those on which numbers of us commented last May. As may be seen, this disappointment is shared by the LGA, and our response very much mirrors that of the LGA. We would urge Ofcom to reflect on the points that we are making, to give due regard to the evidence that is being presented, and to reconsider certain of the proposals. In their current form, they can only in our view serve to widen the digital divide.

3.0 Shropshire Council Points

- 3.1 Shropshire are concerned that the new obligations will bring only slight benefits to those communities and visitors to our most rural 'not spot' areas which are currently unserved by any mobile provider. The new licences may stimulate an element of competition on the fringes of some geographies where currently there is limited and unreliable mobile coverage from a single operator:
- 3.2 [Para 4.50] We also think it is likely that our obligations will deliver some completely new coverage in the places to which no mobile network currently provides coverage – so-called 'total not-spots' – particularly where these are regularly frequented areas.
- 3.3 [Para 4.51] However, some problems are likely to remain unresolved. The proposals are unlikely to deliver significant improvements in rail coverage, where deep cuttings will require specific interventions to deliver the signal needed inside the carriage (although our proposed 'premises requirement' may see some improvements in outdoor coverage along suburban rail routes). They are also unlikely to provide a complete solution for the small but significant number of UK homes (c10,000) which we estimate to have absolutely no mobile coverage in their vicinity, which tend to be scattered across disparate remote locations. Further measures will be needed to improve these coverage problems.
- 3.4 We are disappointed that the 90% landmass coverage obligation has not cascaded down from the national aggregate targets into local authority geographies. Without applying obligations across the most challenging geographies in the nations it will remain likely that the MNO's will seek to avoid the most difficult 'not spot' counties, continuing to leave some

communities stranded with significant 'not spots' across significant county landmass. We would recommend Local Authority geographic obligations are considered for all future licence obligations or interventions. Without the introduction of ambitious targets to address 'not spot' areas within counties, many will continue to be left digitally isolated.

- 3.5 It is disappointing that the landmass coverage obligation in the original proposal has been diluted down from 92% to 90%. This appears to have been justified on the basis of MNO claims that the ESN (Emergency Services Network) sites will not be available to support the 92% target. As a result, Ofcom are suggesting these proposed sites will not be benchmarked. It remains plausible that the MNO's may still benefit from using these sites towards their new licence obligations and thus a higher landmass coverage % will be expected. It will be important that Ofcom closely monitor this specific area of compliance.
- 3.6 We are disappointed that the original 'in building coverage' requirement for 'unserved premises' has been removed and has been replaced with a far more generic target around coverage to where premises are located.
- 3.7 We are unclear from the consultation document how improved outdoor coverage to premises will be benchmarked and tested after deployment.
- 3.8 We note that the obligation on licence holders for the 500 new sites will require that these should be further than 1-2km from any existing MNO sites. We are concerned that the short distance from the edges of existing network resources may not offer significant benefit to the more challenging and rurally isolated landmass of the UK.
- 3.9 It is noted that Ofcom are giving options to MNO's to upgrade existing 2g and 3g coverage areas to 4g. Whilst we are encouraged to see sites upgraded, we would see these as part of MNO's existing 4g commercial migration plans. We would rather see new coverage in areas where there is no coverage.
- 3.10 We are encouraged by the potential agreement between MNO's to roam across networks although sceptical that competitive behaviour from some MNO's will derail this process.
- 3.11 2Mbps is defined in the proposals as a good quality minimum data requirement. By 2025, 2Mbps will not be seen as an adequate service bandwidth by many mobile users. Data trends continue to rise year on year and by 2025 2Mbps may not provide a reliable service standard for many users. The proposal on minimum data requirements conflicts with the Government's current baseline position for the impending USO for broadband, which we expect to launch later in 2019. In some cases, we expect the incumbent USP's may rely upon the MNO network to provide service to consumers. We believe that there is an opportunity to align the minimum data speed requirements across both networks to at least a minimum of 10 Mbps by 2025.
- 3.12 We would recommend that a proportion of licence funding from receipts is 'ring fenced' and contributes towards an MNO testing taskforce who should be solely focused on detailed and periodic verification of MNO's coverage claims. The latest Connected Nations report of Dec 2018 again raises suspicions of exaggerated coverage claims by the MNOs', which apart from regular anecdotal claims by stakeholders of poor coverage cannot be tested by Shropshire

without significant investment and intervention into an obligation that should reside with Ofcom.

- 3.13 We would again request that Ofcom periodically undertake 'drive by' testing across each county area. The licence revenue generated justifies reinvestment into the Ofcom assurance process and the need to hold the MNO's to account on their coverage declarations. The introduction of drive by testing would also provide an objective comparator position to that asserted by BT in its efforts to reduce the number of rural payphone boxes that are currently operational, on the grounds that mobile coverage is available and reliable across the county. It is not.
- 3.14 For communities and businesses who live and work here, and for those who visit here, we have previously commented to Defra, in consultation on the Agricultural Command Paper, that mobile connectivity is crucial for the land based sector in terms of their day to day farming activities; for the tourism economy, including online promotion, use of mapping tools to reach attractions and accommodation, and use of apps such as TripAdvisor; and for communities themselves in their day to day lives.
- 3.15 This is not an issue exclusive to uplands areas, and indeed in Shropshire the last large scale consultation by BT into proposed removal of existing callboxes indicated continued need for their retention across the county due to the patchiness of mobile phone coverage; the isolated nature of the communities in which callboxes are located; and the physical challenges of the terrain. The Council as Local Planning Authority continues to hold to a default position of retention of operational callboxes very much because of the concerns over inconsistent mobile phone coverage, and inadequate national evidence about such coverage.
- 3.16 By the time the new licences are granted by Ofcom to the MNO's the most challenged rural areas may not get implemented with solutions until as late as the mid-2020's. We would recommend that a more ambitious timescale obligation is set. We would also recommend that the MNO's are set priorities for the most rurally challenged areas, using an 'outside/in' approach.

NOTE We were unable to locate a number of attached Annexes referenced in the Consultation – Annex

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Extract from LGA Final Response

Ofcom's coverage obligations

Ofcom's previous coverage obligations (March 2018 consultation)	Ofcom's new coverage obligations (December 2018 consultation)
Provide a good quality mobile service to 92 per cent of UK landmass including at least of 92 per cent in England	Provide a good quality mobile service to 90 per cent of the UK landmass , including at least 90 per cent of England,
Good quality in-building coverage to 60 per cent of rural premises that have no coverage (equating to 120,000 premises)	Outdoor coverage to at least 140,000 premises to which currently do not have good coverage;
3-year deadline	4-year deadline

3. The change to Ofcom's coverage obligations since the March 2018 consultation

3.1 We are disappointed that Ofcom has changed the premises obligation from delivering "good quality in-building coverage" to 60 per cent of rural premises to delivering "at a minimum outdoor coverage" to at least 140,000 premises. This represents a significant climbdown from the previous coverage obligation. It is now unclear how these new obligations will improve the mobile connectivity for the 33 per cent of English rural premises which cannot make a basic phone call indoors on all four networks or the 58 per cent of rural premises that cannot access 4G on all four networks indoors. ¹

3.1 We are also disappointed that Ofcom has chosen to roll back its England landmass coverage obligation from 92 per cent to 90 per cent which now only requires mobile operators to *maintain* current landmass coverage in England (which is currently at 90 per cent) and not improve it.

3.2 We would recommend that, at the very least, Ofcom raise their England landmass obligation back to the previously suggested level of 92 per cent and ensures providing indoor coverage is a stipulation for the 140,000 rural premises obligation. We would also recommend that Ofcom considers adopting the same "outside in" approach, prioritising hardest to reach areas first, which was recently adopted by Government as part of its Future Telecommunications Infrastructure Review.

3.3 Whilst we welcome the creation of 500 new masts we note that Ofcom considers this the "conservative end of the range...to deliver the benefits we are seeking". We also note that Ofcom outlines that to ensure these new sites support wide area coverage in rural areas, it will "provisionally consider including a requirement that new sites are more than 1-2 kilometres from an individual operators existing network." We are concerned that the short distance from the edges of existing network resources may not offer significant benefit to the

¹ [Rural Services Network – State of Rural Services 2018](#)

more challenging and rurally isolated landmass of the UK. We would like to see Ofcom evidence the effect of increasing the distance of the restriction radius would have on improving coverage.

3.4 Finally, we call on the Government, having pledged to extend mobile coverage to 95 per cent geographic coverage of the UK by 2022, to outline how they intend to achieve this considering these newly rolled back obligations.

4 The implementation of national targets

4.1 We are disappointed that Ofcom has not followed our previous recommendation to replace national aggregate targets with localised ones. As we have previously outlined, national targets mask significant imbalances in the levels of coverage across England, especially in rural areas. This is already seen today where in some local authority areas such as West Somerset (31 per cent 4G landmass), Copeland (38 per cent 4G landmass) and Richmondshire (51 per cent 4G landmass) coverage lags far behind the national 90 per cent figure.²

4.2 National aggregate targets allow MNOs to pick and choose the easiest areas to connect and can leave significant parts of the countryside without signal. We note that Ofcom outlines that a sub-regional licensing auction model would be complex to deliver and manage. However, it is unfortunate that the regulator presents no alternative or complementary options to help tackle areas in England where coverage is lagging. We have previously outlined that Ofcom should model a recommended level of coverage for each local authority area and monitor MNOs' progress on meeting these recommended targets at yearly intervals. If it is clear local targets will not be met, the LGA recommends Ofcom helps facilitate conversations between MNOs and councils on what local interventions can help spur on greater coverage.

The change of delivery deadline from 3 to 4 years.

4.3 The LGA does not see sufficient evidence outlined by Ofcom to warrant the increase of the coverage obligation delivery deadline from three to four years and believes Ofcom should reverse its decision.

4.4 As part of its reasoning for the extension, Ofcom cites that obtaining planning permission can present a "commercial challenge [...] for deploying new mast sites in more remote locations." The LGA does not recognise the planning regime as a significant impediment to the deployment of mobile infrastructure.

4.5 Indeed, we note that:

4.5.1 Arqiva, the infrastructure provider responsible for delivering the Mobile Infrastructure Project, has previously outlined that "only five planning applications [out of 110 that were submitted as part of the programme] were refused."³

4.5.2 EE/BT submitted evidence to Ofcom outlining that that, "typically, for a rural site they would plan for around an 18-24 months delivery cycle."

4.5.3 Over the past four years planning restrictions have been relaxed to allow the creation of new masts up to 20m in height and the ability to extend existing masts up to 25m

² Ofcom – Connected Nations Data 2018

³ <https://www.computerweekly.com/news/4500277419/Mobile-Infrastructure-Project-was-a-failure-admits-Vaizey>

without having to seek full planning permission. However, MNOs have faced a lack of scrutiny from Ofcom on whether they are utilising these new freedoms to their full potential.

4.6 To ensure as streamlined a planning process as possible we would recommend that mobile network operators share their roll out plans with local government. Many councils are exploring the measures they can take to support the expansion of mobile coverage in their local areas. To fully understand the added-value they can bring, be it using public land, reform of local planning policy, or helping providers join up on their streetworks, councils need to have an accurate idea of the future roll out plans of MNOs.

4.7 Councils have shared with the LGA their frustrations that MNOs are unprepared to share information on the potential location of their new sites until the submission of a planning application. We recommend that MNOs are encouraged to share their roll out plans with councils as well as other mobile providers up to six months before submitting an application in order to give councils the time to consider what policy or practical interventions they can make to support greater expansion of mobile connectivity in their local area.

Monitoring MNO compliance with the new obligations

4.8 We remain concerned with how Ofcom proposes to ensure compliance with any new coverage obligations.

4.9 The LGA has raised with Ofcom its concerns on how MNOs' purported levels of mobile coverage are verified. Feedback we have received from councils suggest the mobile coverage data that Ofcom uses to outline coverage, which is based on a predicted signal strength, is inaccurate, and unreflective of consumer experience on the ground. We note that Ofcom has undertaken a series of "real life" tests of 4G services available in UK cities, gathering data directly using smartphones to assess coverage.⁴ Whilst this method presents one of the most accurate ways to understand actual consumer experience on the ground, Ofcom has failed to carry out any such analysis in rural areas. It is now increasingly falling to councils themselves to conduct their own testing initiatives in rural areas to hold mobile network operators to account on their coverage. We therefore recommend that a proportion of licence funding from receipts is 'ring fenced' and contributes towards Ofcom undertaking detailed and periodic verification of MNO's coverage claims using on the ground signal testing methods.

4.10 The LGA notes that the current obligations will require MNOs to roll out signal that will provide "data connections to deliver a speed of at least 2 Mbps." This strike us as a particularly unambitious target, especially considering a 3G signal can, at its maximum, deliver almost four times this speed, and 4G over fifty times and the average 4G speed in London is 25.09Mbps.⁵⁶ With mobile data demands in the UK forecasted to increase sevenfold by 2021, the LGA believes a 2Mbps requirement does not provide sufficient headroom to meet consumers' growing needs. We recommend that Ofcom considers raising this level to 10Mbps to match the broadband Universal Service Obligation. Indeed, in some cases we expect the incumbent universals service provider may rely upon the MNO network to provide service to consumers. We believe that there is an opportunity to align the minimum data speed requirements across both networks to at least a minimum of 10 Mbps.

⁴ [Ofcom - Smartphone Cities](#)

⁵ <https://kenstechtips.com/index.php/download-speeds-2g-3g-and-4g-actual-meaning>

⁶ <https://www.speedtest.net/reports/united-kingdom/>

4.11 We also ask that Ofcom introduces safeguards to ensure that mobile services to any new housing developments and schemes are excluded from the 140,000 new premises coverage obligation to ensure that this investment benefits existing poorly-served areas.

4.12 Finally, we note that Ofcom “anticipates that to meet the [coverage] deadline, operators are likely to deploy a significant number of sites well before [4 years], and that consumers should therefore benefit from some coverage improvements beforehand.” We believe that Ofcom must publish what it considers to be sufficient annual progress towards the overall coverage obligations and report back on MNO’s progress through the Connected Nations Report.

5. Utilising other measures such rural roaming to incentivise MNOs to improve mobile connectivity.

5.1 The LGA supports Ofcom’s proposal to create an option within the spectrum licences for mobile network operators to voluntarily agree to introduce future rural roaming across mobile networks. We also welcome Government’s intervention in its ‘Statement of Strategic Priorities for telecommunications, the management of radio spectrum and postal services’ which directs Ofcom to “fully consider the costs and benefits of achieving rural roaming.”⁷ We believe Ofcom should outline how it intends to do this in its 2020 Annual Plan.

⁷ [DCMS - Statement of Strategic Priorities for telecommunications, the management of radio spectrum and postal services](#)