

North Norfolk District Council

Explanatory Guidance: Approach to Fibre to the Premises (Policy HC5)

Provides guidance for applicants, agents and planning officers about the requirements of Policy HC5 Fibre to the Premises (FTTP).

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North Norfolk District Council
Planning Policy Team

01263 516318

planningpolicy@north-norfolk.gov.uk

Planning Policy, North Norfolk District Council,
Holt Road, Cromer, NR27 9EN

www.north-norfolk.gov.uk/localplan

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Contents

1. Introduction	1
2. Purpose of Policy HC5: Fibre to the Premises (FTTP)	2
3. Evidence expected at Planning Application stage	4
4. Monitoring & Implementation	6
Validation List.....	6
Determination stage	6
Example Planning Conditions for Securing FTTP Installation	6
Appendix A: Policy HC5 Fibre to the Premises	7

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1. Introduction

- 1.1. This guidance aims to provide further information about the requirements of **Policy HC5 Fibre to the Premises** (FTTP). The Policy approach is seen to complement the associated Building Regulation requirements. It requires demonstration of non-technical information to ensure that proposals have the capability to deliver gigabit-capable broadband connectivity, or at the very least, alternatives such as superfast broadband, where the former is not practical or viable.
- 1.2. The intention of the Policy is not to duplicate the requirement for technical information necessary at building regulations stage, but to provide Officers with enough information to determine that proposals incorporate better broadband as a material consideration in order to ensure compliance with local plan policy HC5 in order to help deliver continued improvements in telecommunications across the district.

Who should use this guidance note?

- 1.3. The note can be used by Agents and Applicants in order to understand the requirements from the planning policy perspective, as well as by decision makers as an assessment tool to determine whether they have adequate details to find that a proposal is policy compliant.

Key Objectives of Policy HC5

- 1.4. The key objectives of this policy are to:
 - Ensure relevant planning proposals have the capability to deliver high-quality, gigabit-capable digital infrastructure.
 - Support the wider strategic goals of economic, social and technological resilience across the district.

2. Purpose of Policy HC5: Fibre to the Premises (FTTP)

Summary of Policy HC5 Requirements

- 2.1. The main purpose of the policy (set out in [Appendix A](#)) is to enable and improve the expansion of digital communications, including broadband, across North Norfolk, ensuring that connectivity has been considered at the planning stage, in accordance with National Planning Policy Framework (NPPF) para. 119.
- 2.2. The policy applies to **all new dwellings, including those proposed through change of use by sub-division or conversion, and new commercial buildings of 100 square metres or more, including those proposed through change of use or conversion**, to ensure they are capable of full fibre connections (FTTP) in accordance with national Building Regulations. Alternatively, that they are either able to be connected in the future or that an alternative such as superfast fibre, can be delivered.
- 2.3. **FTTP is where the entire line of connectivity is fibre from the exchange all the way to the building or premises (the dwelling or place of employment).**
- 2.4. Policy HC5 requires:
 1. Upfront confirmation that fibre connection, or as a last resort, an alternative, can be delivered. This should be provided in the form of a statement (Digital Infrastructure Connectivity Plan), and once confirmed;
 2. The imposition of a planning condition to secure installation and written evidence of compliance prior to first occupation. This approach is necessary in order that the policy mirrors the structure of Building Regulations; the requirement is deliverable at design stage, with provision at construction stage.
- 2.5. **Therefore, decision makers must be satisfied before granting planning permission that an applicant has a viable route to compliance with Policy HC5.**

Relevant National Policy (digital connectivity, gigabit obligations)

- 2.6. The Levelling Up and Regeneration Act 2023 supports the objective of transforming digital connectivity across the UK, aiming for nationwide gigabit-capable broadband, with 4G and 5G coverage for the majority of homes (99%) by 2030. A gigabit capable network is one that can deliver at least 1 Gbit/s connectivity. Much of the UK is expected to be primarily delivering gigabit capable broadband via FTTP networks.
- 2.7. For information, the Project Gigabit programme and Levelling Up agenda for the hardest to reach homes and businesses is being delivered by Building Digital UK (BDUK), which awarded broadband provider CityFibre a Project Gigabit contract in June 2023 to provide around 62,200 premises across Norfolk and the surrounding areas with access to gigabit-capable broadband.
- 2.8. The National Planning Policy Framework (NPPF 2024), Chapter 10, paragraph 119 states:

*‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. **Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should***

set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).’

Relationship with Building Regulations (digital connectivity requirements)

- 2.9. **Technical compliance sits with Building Regulations consent, which verifies detailed installation at the construction stage.**
- 2.10. Approved Document R: Physical infrastructure and network connection for new dwellings (2022) (Volume 1) and Physical infrastructure for high-speed electronic communications networks (2022) (Volume 2) require provision of gigabit-ready infrastructure.
- 2.11. **Establishing that development is capable of meeting these requirements at the planning application stage is necessary to ensure deliverability at the construction stage, rather than leaving potential conflicts to be identified at the Building Regulations stage.**
- 2.12. Ensuring connection deliverability at the planning application stage helps avoid situations where development is granted, but the required infrastructure cannot subsequently be provided.

3. Evidence expected at Planning Application stage

FTTP non-technical statement - Digital Infrastructure Connectivity Plan

3.1. The main purpose of a FTTP non-technical statement (also referred to as a Digital Infrastructure Connectivity Plan in the supporting text of Policy HC5) is to give the decision maker as much certainty as possible that the proposed development will comply with local plan Policy. **The statement should be provided as a standalone document, which should demonstrate the intended connection strategy, supported by evidence of engagement with relevant network/infrastructure operators.** Ideally this would be confirmation from a broadband infrastructure provider confirming that gigabit-capable connectivity can be delivered on the site. The level of detail will vary depending on the size of the scheme, however, most statements will be expected to demonstrate:

1. That appropriate and early discussion has been had with the telecom providers in relation to serving the development with FTTP,
2. That either the proposed development can be connected to existing infrastructure or that additional infrastructure is needed and how this will be provided,
3. That the infrastructure needed to enable FTTP will be available and in place, prior to occupation, (for each dwelling/ larger scheme). This should include indicative route planning for larger schemes.

3.2. **Technical drawings or engineering details are not required at the planning stage.**

3.3. If a telecoms provider will not issue a formal letter, the applicant should instead supply:

- **evidence of early engagement with the relevant network operators. For example, email confirmation, 'new site' registration receipts, feasibility responses;**
It is accepted that on some occasions, the detailed discussions between the telecom providers will need to be private, especially where correspondence is of a commercial nature. However, the minimum expectation is for an applicant to show that suitable liaison and discussion has been held with a number of providers and this has occurred early in the process.
- **a clear statement/ explanation of how a fibre-ready connection will be achieved in accordance with Building Regulations, including indicative route planning and capacity checks.**
- **Alternative evidence of potential deliverability (e.g. operator coverage maps, local ducting presence) can also be included.**
- **Evidence that an achievable fallback (e.g. non FTTP superfast broadband) can be provided if FTTP is proven unviable at a later stage. Superfast broadband is usually delivered by fibre to the cabinet and copper to the premises (FTTC).**

What information is required at outline application stage?

3.4. An FTTP statement is required at outline planning stage. It is accepted however, given the nature of an outline planning application, that it might contain less details in terms of specific implementation dates of FTTP from a provider, and/or might not include detailed layout information.

- 3.5. However, the FTTP statement for an outline application must provide enough information to satisfy the decision maker that Policy HC5 will be complied with, or that non-compliance is justified. In this regard, the expectation is that the information provided should be similar to the level that is supplied to support other utility infrastructure, such as mains drainage or the supply of water.
- 3.6. **In addition, planning conditions or obligations will be applied to outline consent to ensure** that the necessary and remaining details to be covered in subsequent FTTP statements is provided at reserved matters stage. Some example conditions are provided in section 4, as a guide.
- 3.7. **Where an applicant provides clear evidence that FTTP is not practical or viable**, Policy HC5 allows consideration of an alternative, such as superfast fibre, in accordance with adopted policy wording. Applicants should clearly explain the reasoning as to why FTTP is not practical or viable as part of their statement.
- 3.8. Applicants remain responsible for demonstrating compliance with the development plan. **Failure to provide evidence at planning application stage will result in a policy conflict, being contrary to local and national infrastructure policy and objectives.** Given the role of digital connectivity in delivering sustainable development, this harm is a material planning consideration, and in some circumstances, refusal may be justified where there would otherwise be the risk of granting planning permission for a scheme where neither FTTP nor an accepted alternative solution can be shown to be deliverable, contrary to Policy HC5.
- 3.9. In these circumstances, the absence of evidence may provide a reason for refusal, as the local authority would not be able to conclude that the proposal complies with the requirements of Policy HC5 and therefore, the overall development plan.
- 3.10. **Compliance with Policy HC5 should not be deferred to a planning condition, because the purpose of the policy is to establish at planning application stage that the development is capable of delivering the required connectivity infrastructure.**

4. Monitoring & Implementation

Validation List

- 4.1. Local validation lists can require a FTTP Statement. NNDC does not include such a statement within the current Local Validation List at the present time, however, it is expected to become a validation requirement upon the Council's next review of this list.
- 4.2. Once it is included, where required documentation is missing, the application may be deemed invalid until submitted.

Determination stage

- 4.3 In all cases, where decision makers are satisfied that FTTP is deliverable, the detailed installation can be secured via a planning condition which sets out:
 - the approved solution (FTTP or where justified, alternative such as superfast fibre);
 - installation prior to first occupation; and
 - written confirmation of compliance submitted to and approved by the Local Planning Authority (LPA).

Example Planning Conditions for Securing FTTP Installation

- **Example 1**

Condition: The FTTP infrastructure, or superfast alternative in the absence of FTTP, shall be laid out in accordance with the approved FTTP Statement or approved details at the same time as other services during the construction process and be ready for connection on the first occupation of the [dwelling(s)/commercial unit(s)] hereby approved.

Reason: To improve the provision and quality of digital communications in accordance with Policy HC5 of the North Norfolk Local Plan 2024-2040.

- **Example 2**

Condition: The FTTP infrastructure or superfast alternative in the absence of FTTP, shall be laid out in accordance with the FTTP Statement or approved details at the same time as other services during the construction process and be ready for connection on the first occupation of the [dwelling(s)/ commercial unit(s)] unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP or alternative provisions that have been made in the absence of FTTP).

Reason: To improve the provision and quality of digital communications in accordance with Policy HC5 of the North Norfolk Local Plan 2024-2040.

Appendix A: Policy HC5 Fibre to the Premises

Policy HC5 Fibre to the Premises (FTTP)

All dwellings and all new commercial buildings with more than 100sqm of floorspace shall be provided with fibre connections in accordance with the National Building Regulations. Where such connections are clearly shown not to be practical or viable, alternatives such as superfast fibre should be provided.

(North Norfolk Local Plan (2024-2040) Extract)

The purpose of this policy is to improve the provision and quality of digital communications including broadband across North Norfolk and to ensure that all new dwellings and work places are connected by fibre, or are able to be connected in the future.

- 5.5.1 High quality digital infrastructure is crucial to the success of businesses and also plays a vital role in enhancing the provision of local community facilities, services, and employment. Well connected places attract modern businesses and can create the conditions for new clusters of digital and creative businesses to emerge. Access to high quality digital infrastructure can also facilitate social inclusion, enable home working, diversify the rural economy, enhance educational and social opportunities, as well as improve access to a wide range of services that are increasingly provided online. Consequently, high quality digital infrastructure will make a significant contribution towards the delivery of sustainable development.
- 5.5.2 New development should ensure that it has considered any need and demand resulting from the development and taken proactive steps in engaging with service and infrastructure providers to ensure that there is high-speed fibre broadband connectivity or mobile internet coverage in the development.
- 5.5.3 Policy HC5 'Fibre to the Premises (FTTP)' and Policy HC6 'Telecommunications Infrastructure' should be considered in parallel for all planning applications proposing new dwellings and commercial proposals with more than 100 sqm of floor space. Proposals should be supported by a Digital Infrastructure Connectivity Plan demonstrating that digital infrastructure has been planned for as part of development proposals. This should:
- a. evidence that developers have engaged with infrastructure and service providers to ascertain fibre connectivity and mobile internet coverage for the site;
 - b. evidence that an agreement to connect the development site to the fibre broadband network has been secured, and details are provided on how the physical infrastructure on site is capable of supporting gigabit-capable networks;
 - c. where there are deficiencies in mobile coverage, development proposals must provide information on how the coverage is to be improved. This may be information provided by operators regarding network improvements or it could be provision of physical infrastructure, such as new masts on the development site, where practical.
- 5.5.4 Policy HC5 will be applied to both new build proposals and those seeking the change of use of existing buildings.