

Matter 8 – Community Infrastructure

Issue 3 – Utilities Infrastructure – Policies SP9 and UIN1-UIN2

Q1 Are policies SP9, UIN1 and UIN2 justified, effective and consistent with national planning policy?

- 1.1 Yes, policies SP9, UIN1 and UIN2 are considered to be justified, effective and consistent with national planning policy.
- 1.2 Policies SP9, UIN1 and UIN2 seek to meet the stated Objective for Chapter 9 to: *“Ensure that essential utilities infrastructure, including broadband, is delivered to support our existing residents and services as well as growth.”*
- 1.3 There is reference throughout the NPPF in relation to securing appropriate infrastructure in a timely fashion to enable sustainable development and economic growth. The following quotes from the NPPF are considered to provide a high-level context:

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner...

...

11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure;...

...

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:...b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);...

- 1.4 Introductory paragraphs 9.1 - 9.3 provide the high-level justification for the policies in Chapter 9 as follows:

Introduction

9.1 This chapter sets out the strategic policy for sufficient provision of utilities infrastructure, along with specific policies relating to the provision of fibre broadband and telecommunications.

9.2 Utilities infrastructure is provided as part of statutory market / commercial systems, including water, energy and digital infrastructure. The growth that is planned for the District as set out in this Local Plan leads to associated requirements for this utilities infrastructure.

9.3 The Infrastructure Delivery Plan (IDP) sets out the detailed assessment of the infrastructure requirements of the District, including in relation to utilities Infrastructure. It assesses the quality and capacity of existing infrastructure in the District and its ability to meet forecast demands due to population growth and the provision of new homes and jobs, and identifies provision requirements of planned growth. It is for utility providers and developers to provide the utilities infrastructure required to enable the planned growth in the District.

- 1.5 In summary, Policy SP9 sets out the strategy for meeting identified needs relating to water, wastewater, foul drainage, sewage treatment, electricity, gas, broadband and communications; requires early planning and requires consideration of: phased provision, siting and appearance of utilities infrastructure, and potential impacts on existing utilities infrastructure provision.
- 1.6 In summary, Policy UIN1 provides specific requirements in relation to provision of broadband infrastructure, and Policy UIN2 provides specific requirements in relation to provision of telecommunications infrastructure.
- 1.7 Draft Local Plan Paragraphs 9.1 – 9.13 provide the background and the reasoned justification to the policies, and include reference to national policy, the IDP and relevant in relation to infrastructure providers; and it is not considered necessary to repeat here the full background and reasoned justification to the policies. However, in relation to detailed policies UIN1 and UIN2, it is considered useful for the purposes of answering this question to reproduce the relevant references to national policy in the reasoned justification:

Digital Infrastructure

9.8 Digital infrastructure includes infrastructure relating to broadband and communications. National policy sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies should support the expansion of electronic communications networks, including full fibre broadband connections and next generation mobile technology (such as 5G).

...

9.12 National policy supports the expansion of communications networks and sets out detailed requirements for evidence to support applications to enable this. It states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion; and notes that local planning authorities should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure...

- 1.8 The national policy referred to in the paragraphs above is from the following parts of NPPF Chapter 10 'Supporting high quality communications':

119. 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).

120. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion.

...

123. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

1.9 As set out in 'reasoned justification' paragraph 9.3 the SADC Infrastructure Delivery Plan (IDP) (INF 01.01) sets out the detailed assessment of the infrastructure requirements of the District, including in relation to utilities infrastructure; it assesses the quality and capacity of existing infrastructure in the District and its ability to meet forecast demands due to population growth and the provision of new homes and jobs, and identifies provision requirements of planned growth.

1.10 The IDP provides essential context and justification for the Policies in Chapter 9 'Utilities Infrastructure' (SP9, UIN1 and UIN2), along with the Policies in Chapter 9 'Community Infrastructure' and Chapter 14 'Implementation'. The IDP identifies what infrastructure is required and deliverable in the Plan period to support the planned growth; and the policies in Chapter 9 seek to enable delivery of the relevant utilities infrastructure.

1.11 The NPPF in Chapter 3 'Plan-making' under subheading 'Maintaining effective cooperation' includes:

26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

...

28. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these...

- 1.12 In the interests of 'maintaining effective cooperation' as set out in the NPPF, the Council has agreed Statements of Common Ground (SoCG) with a number of neighbouring authorities, along with Natural England, on matters related to the provision of utilities infrastructure subject of Policies SP9, UIN1 and UIN2.
- 1.13 SoCG which included agreed matters relating to utilities infrastructure were agreed between St Albans District Council and:
- Dacorum Borough Council (SADC/ED5) – in relation to 'Strategic infrastructure requirements of planned growth', 'Green and blue infrastructure' and 'Water and wastewater capacity' as set out below;
 - Hertsmere Borough Council (SADC/ED6) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Three Rivers District Council (SADC/ED9) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Watford Borough Council (SADC/ED10) – in relation to 'Strategic infrastructure requirements of planned growth', 'Green and blue infrastructure' and 'Water and wastewater capacity' as set out below;
 - North Hertfordshire District Council (SADC/ED11) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Three Rivers District Council (SADC/ED8) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Central Bedfordshire Council (SADC/ED4) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Hertfordshire County Council (SADC/ED3) – in relation to 'Green and blue infrastructure' as set out below;
 - Luton Borough Council (SADC/ED7) – in relation to 'Strategic infrastructure requirements of planned growth' as set out below;
 - Natural England (SADC/ED24) – in relation to 'Green and blue infrastructure' as set out below; and
 - The Environment Agency (EA) (Document 'M8I3Q1 Appendix 1 - SoCG SADC_and_EA_10.03.2025' appended to this document)
N.B. Although the EA confirmed in their Updated Regulation 19 response (SADC/ED65) that all of their previous 'soundness' concerns (which were regarding the Sequential (ST) and Exception (ET) tests' results for site allocations), had been addressed; their SoCG dated 10 March 2025 has not previously been included in Evidence, and as such is appended to this MIQ answer. This SoCG dated 10 March 2025 restates and updates points made in SADC/ED65, including reference to overcoming the sole remaining issue identified in SADC/ED65 (in relation to an 8m buffer) and is in a different format to the 'standard' format of the other SoCGs.
- 1.14 The agreed matters in relation to utilities infrastructure referred to above were as follows:

Strategic infrastructure requirements of planned growth

- *The Local Plan infrastructure requirements of planned growth primarily impacts DBC through the joint SADC DBC approach to Hemel Garden Communities, but there are also more limited cross-boundary strategic matters with other authorities, as set out in more detail elsewhere in this SoCG.*

- *Strategic matter between:*
 - o *SW Herts local authorities*
 - o *Welwyn Hatfield District Council*
 - o *North Hertfordshire District Council*
 - o *Central Bedfordshire Council*
 - o *Luton Borough Council*

Conclusion SADC and [Name of Organisation] both support the approach in SADC's Regulation 19 draft Local Plan to strategic infrastructure requirements of planned growth, most notably in relation to Hemel Garden Communities.

Green and blue infrastructure

- *Approach to the provision of green and blue infrastructure, and consideration of county-wide strategy.*

- *Strategic matter between:*
 - o *SADC*
 - o *Dacorum Borough Council*
 - o *Hertfordshire County Council*
 - o *Environment Agency*
 - o *Natural England*

Conclusion SADC and [Name of Organisation] both support the approach in SADC's Regulation 19 draft Local Plan to green and blue infrastructure, most notably in relation to Hemel Garden Communities.

Water and wastewater capacity

- *Consideration of the supply of water and the wastewater capacity to accommodate the future needs of development.*

- *Strategic matter between:*
 - o *SADC*
 - o *Dacorum Borough Council*
 - o *Watford Borough Council*
 - o *Environment Agency*

Conclusion SADC and [Name of Organisation] both support the approach in SADC's Regulation 19 draft Local Plan to water and wastewater capacity.

- 1.15 Taking the above into account it is considered that policies SP9, UIN1 and UIN2 represent an appropriate strategy to provision of the utilities infrastructure required to support the planned growth in the District over the Plan period; that this strategy is based on proportionate evidence; and that the strategy has high-level agreement of relevant bodies. It is further considered that the requirements of these policies are deliverable over the Plan period and that the policies are consistent with national policy; enabling the delivery of infrastructure to support sustainable development in accordance with national policy.

- 1.16 As such they are considered to be justified, effective and consistent with national planning policy.