



**Powys Local Development Plan
Topic Paper
Utilities and Infrastructure**

January 2016



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Executive Summary

The purpose of this paper is to explore 'utilities' and infrastructure' in Powys. It considers policy and local context, key issues and existing Unitary Development Plan policies in the formulation of appropriate utility and infrastructure objectives, policies and monitoring framework to be included in the LDP.

This topic paper addresses water supply, sewerage treatment, and utility infrastructure associated with electricity, gas and telecommunications. Information on Renewable energy, Waste, Transport, Pollution and flooding (including waste water treatment and drainage) are addressed in separate topic papers.

The Council recognises that utility companies often do not have flexibility in deciding where and whether to invest in new infrastructure. The nature of utilities means that it is inevitable that some development will take place in the open countryside. New developments need careful consideration to maintain a balanced approach to service provision and the protection of the natural and built environments.

This paper proposes a significant reduction in the number of utility policies from the current 10 in the UDP to 1 utilities policy and 1 planning obligations policy. This approach seeks to simplify the policy approach and provide one policy to consider utility infrastructure associated with new development and one policy that provides a mechanism to consider funding of new infrastructure through planning obligations.

In addition to these utility and planning obligations policies, a suite of development management policies include additional consideration against a range of issues relevant to all planning applications. These include for example the protection of the natural and built environment. These policies ensure adequate of consideration of such issues which are especially important in the consideration of utilities infrastructure, which by its very nature has the potential to be visually obtrusive. Further, Policy DM13 – Utility Requirements for New Development seeks to ensure adequate provision of utility services associated with new development.

Finally, specific utility constraints, issues or infrastructure requirements identified for allocated sites by relevant utility service providers are included in Appendix 1 of the LDP. This includes site specific issues and constraints provided by Dwr Cymru – Welsh Water during the LDP process. This will ensure that any known utility or infrastructure issues and constraints are considered in the development of these sites and assist to inform when these sites will come forward during the plan period.

1.0 Introduction

1.1 The planning system regulates the development and use of land in the public interest. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, thereby contributing to sustainable development.

1.2 In 2004, the Planning and Compulsory Purchase Act introduced a new Local Plan process for Wales. The new system requires each authority in Wales to prepare a Local Development Plan (LDP) for their area which, once adopted, replaces any existing development plan, which for Powys is the Powys Unitary Development Plan (UDP).

1.3 Welsh Assembly Government guidance on the preparation of LDPs includes, within Paragraph 4.3 of Local Development Plans Wales: Policy on Preparation of LDPs (WAG, 2005), that local planning authorities are required to prepare, maintain or have access to an up-to-date information base on sufficient aspects of the economic, environmental and social characteristics of their area in order to ensure that its development plan policies and proposals are founded on a thorough understanding of the area's needs, opportunities and constraints.

1.4 This paper is therefore one of a series of topic papers being prepared by Powys County Council as part of its preparation of the Powys Local Development Plan. The aims of these papers are therefore to:

- Provide a summary of the policies and strategies at national, regional and local level that will influence the development of Powys' Local Development Plan
- Provide a summary of the current evidence base for the topic
- Identify key messages arising from the policy review and evidence base
- Identify emerging key issues
- Provide a review of existing Powys development plan (UDP) policies for the topic

1.5 Whilst each topic paper produced focuses on a different theme, they are inter-related and together form the strategic overview of issues to be addressed in the Local Development Plan.

1.6 This topic paper addresses water supply, sewerage treatment, and utility infrastructure associated with electricity, gas and telecommunications. Information on Renewable energy, Waste, Transport, Pollution and flooding (including waste water treatment and drainage) are addressed in separate topic papers.

2.0 National and Local Policy Context

2.1 Introduction

2.1.1 It is essential that any policies and proposals contained within Powys' Local Development Plan relating to Utilities and Infrastructure are consistent and integrated with European, National and Regional legislation, regulations, plans and strategies. This section of the topic paper therefore provides an overview of this national and regional policy context and highlights some of the most relevant messages for the preparation of Powys' Local Development Plan.

National Policy Context

2.2 Planning Policy Wales (PPW), Edition 8 (January 2016)

2.2.1 PPW sets out the national land use planning policies which local authorities need to take into account when compiling their LDP. It translates the Welsh Government's commitment to sustainable development in the planning system. Chapter 12 – Infrastructure and Services deals with infrastructure and services including water supply, waste water management, waste management, energy supply from renewable and low carbon sources, and telecommunications. This paper considers water supply, waste water management and telecommunications. Waste management and energy supply from renewable and low carbon sources are considered in separate topic papers. Objectives relevant to this topic paper are:

- *To protect and improve water resources through increased efficiency and demand management of water, particularly in those areas where additional water resources may not be available;*
- *To ensure that appropriate sewerage facilities are provided to convey, treat and dispose of waste water in accordance with appropriate legislation and sustainability principles;*
- *To ensure that appropriate facilities are established to prevent/re-use, prepare for re-use, recycle, recover and, where necessary, safely dispose of waste, so as to meet the Welsh Government Objectives for waste management;*
- *To facilitate the development of an advanced broadband telecommunications infrastructure throughout Wales;*
- *To promote an integrated approach to the provision and renewal of environmental and telecommunications infrastructure;*
- *To ensure that environmental and telecommunications infrastructure is provided in such a way as to enable sustainable development objectives to be met, avoiding adverse impacts on the environment (including the natural and historic environment), local communities and health;*
- *To ensure that in considering environmental and telecommunications infrastructure account is taken of the impacts of climate change in the location, design, build, operation and, where appropriate, the decommissioning of new infrastructure; and*
- *To ensure that the vulnerability of infrastructure to severe weather events is minimised and that infrastructure is designed to cope with higher average temperatures and increasing risk of storm surges, drought and flooding.*

2.2.2 PPW states that the planning system has an important role in ensuring infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source. This includes minimising the impacts associated with climate change.

2.2.3 Of particular relevance to the preparation of Local Development Plans are the following points from PPW:

- Local Planning authorities must develop a strategic and long term approach to infrastructure provision when preparing Local Development Plans. Consideration should be given to siting requirements of utility companies responsible for service provision and environmental effects of such additional uses. Development may need to be phased to allow time to ensure that the provision of utilities can be managed in a way consistent with general policies for sustainable development;
- Local Planning Authorities should consult utility companies, infrastructure providers and Natural Resources Wales in the preparation of land use policies;
- Local Development Plan Wales (2005) provides details of the bodies which must be consulted about particular issues to ensure plan policies are realistic and capable of implementation;
- The capacity of existing infrastructure, and the need for additional facilities, should be taken into account in the preparation of development plans and the consideration of planning applications;
- Local Authorities should promote increased efficiency and demand management of water resources and consider the EU Water Framework Directive;
- Water issues should be considered when identifying land for development and redevelopment, and new development should encourage sustainable provision of water services;
- Local Authorities should encourage the use of sites where existing water supply and/or drainage problems can be solved and seek to avoid use of sites where adequate water supply and/or drainage provision is unlikely to be achieved;
- Development proposals in sewered areas must connect to the main sewer, and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer;
- Sewers should be built to an adoptable standard, and developers should consult sewerage undertakers in the early stages of design and planning;
- Development proposing the use of non mains drainage schemes will only be considered acceptable where connection to the mains sewer is not feasible;
- Non-mains sewerage proposals, such as septic tanks and surface water drainage schemes included in development applications should be the subject of an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application; and
- A catchment wide perspective should be adopted including the use of SUDS.

2.2.4 In regard to telecommunications, PPW states that development plans should set out policies and proposals for the location of telecommunications development, allocating sites for major developments and including criteria-based policies to guide telecommunications developments where sites other than those identified in the plan may be proposed. Criteria should be sufficiently flexible to accommodate technical changes and may be concerned with the siting and appearance of apparatus, including location and landscaping requirements designed to minimise the impact on amenity consistent with operational requirements.

2.2.5 National policy statements which should inform development of policies for infrastructure and services:

- Strategic and long term approach to infrastructure provision;

- Encouragement of sites where provision exists and/or where problems can be solved, and phasing; and
- Major telecommunications development (identifiable in LDP).

2.2.6 National policy statements to be considered for inclusion in topic-based policies:

- Promoting efficiency and demand management of water resources; and
- Telecommunications development.

2.2.7 National development management policy which should not need to be repeated as local policy in LDPs:

- Capacity of existing infrastructure;
- Water supply and sewerage;
- Facilitation of additional grid network infrastructure;
- Environmental, social and economic benefits;
- Impacts on the natural heritage, coast and the historic environment;
- Impacts of Climate Change;
- Telecoms, mast and site sharing, re-use of existing sites;
- Siting of telecoms equipment;
- Taking account of modern telecoms;
- Need for proposed telecoms system; and
- Radio interference.

*Topics relevant to the local area may simply be mentioned with a cross-reference to PPW.

2.3 Wales Spatial Plan: People, Places, Futures (2004) & The Wales Spatial Plan 2008 update

2.3.1 The Planning and Compulsory Purchase Act 2004 states that local planning authorities, in preparing a Local Development Plan, must have regard to the Wales Spatial Plan (WSP). The 2008 WSP update reflects new drivers of change (including “One Wales” and its key policies) and the area work that has developed following publication of the original plan. Its approach joins national, regional and local activities across organisations and administrative boundaries and divides Wales into 6 sub-regions. Powys lies in the ‘Central Wales Spatial Plan Area’ with the exception of the Ystradgynlais area in the south of the county which falls into the ‘Swansea Bay – Waterfront and Western Valleys Spatial Plan Area’.

2.3.2 The Central Wales Spatial Plan Area Strategy provides a model for sustainable development, broadly identifying primary settlements and hubs and clusters as focal points for appropriate plan-led growth and investment. Powys’ primary settlements, hubs and clusters include the Llandrindod Wells and Severn Valley clusters with Newtown identified as a primary settlement.

2.3.3 In the Central Wales area, the WSP aims to achieve the benefits of sustainable accessibility through effective land use planning, improved ICT infrastructure and integrated transport strategies. It made reference to ICT Infrastructure improvements that prioritise:

- Providing innovative high-speed connectivity to strategic employment sites/settlements and to the wider rural areas;

- Addressing the remaining ‘broadband not spots’, adopting last/first mile capacity approach;
- Providing support at the level of integrating systems to improve business processes;
- Ensuring that mobile signal by the three major operators is made available on all major connectivity corridors in the region;
- Providing ICT training to address business needs, to enable and support greater home working and to develop community exploitation of ICT.

2.4 Wales Infrastructure Investment Plan (WG, 2014)

2.4.1 The Wales Infrastructure Investment Plan co-ordinates a summary of infrastructure investment, including infrastructure schemes, across Wales. The “project pipeline” was last updated in Dec. 2014 and progress is published in a retrospective annual report. This report does not identify any utility infrastructure projects for Powys.

2.5 Circular 10/99 - Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

2.5.1 This circular provides advice on the exercise of planning controls on non-mains sewerage and associated sewerage disposal aspects of future development so as to avoid environmental amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks.

2.5.2 Where proposed, the suitability of the use of such sewerage systems is likely to be a material consideration in reaching planning decisions. Local Planning Authorities should aim to satisfy themselves on the basis of:

- a) Information provided by the developer;
- b) Comments provided by other appropriate bodies; and
- c) their own considerations, that the sewerage proposals for a development are suitable, and that significant environmental and amenity problems which might justify refusal of planning permission are unlikely to arise.

2.5.3 Annex A of the circular sets out the factors which should be considered in such an assessment and include:

- Contravention of recognised practices;
- Adverse effect on water sources/resources;
- Health hazard or nuisance;
- Damage to controlled waters;
- Damage to the environment and amenity;
- Overloading the existing capacity of the area;
- Absence of suitable outlets;
- Unsuitable soakage characteristics;
- High water table; and
- Rising ground water levels; and flooding.

2.6 Welsh Government Circular 16/2014 - The Use of Planning Conditions for Development Management

2.6.1 This circular provides contemporary guidance and references to legislation, as well as an updated list of model conditions to promote best practice in Wales in the use of planning conditions for development management. The circular includes information of Planning Obligations and Community Infrastructure Levy which is particularly relevant to the provision of Utilities and Infrastructure to serve new developments.

2.6.2 The circular says that Local planning authorities should seek to overcome planning objections where appropriate, or secure mitigation by condition rather than by a planning obligation on the basis that the imposition of restrictions through a planning obligation limits the ability of developers to seek to have restrictions varied or removed by an application or appeal. Further, conditions can be enforced using a breach of condition notice and this is likely to offer a simpler and less costly way to remedy a breach than recourse to the Courts for breach of an agreement.

2.6.3 It emphasises that matters required by condition should not be duplicated in a planning obligation. There are however some matters which are more appropriately required through a planning obligation and should not be required in a condition, for example, commitments on behalf of the developer involving transfers of land or payments to be made to the local planning authority. Further guidance on the use of Planning Obligations is provided in Welsh Office Circular 13/97 and guidance on the use of the Community Infrastructure Levy is provided by the Department of Communities and Local Government.

2.7 Technical Advice Note (TAN) 19 – Telecommunications (2002)

2.7.1 This TAN provides advice on the consideration of telecommunications development in planning. It states that Development plans should cater for telecommunications development by taking account of the strategic requirements of telecommunications networks. Development plan policies should take account of:

- PPW – Chapter 12;
- The requirements of the Telecommunications Act 1984;
- The need to minimise the impact of development, and in particular the need to protect the best and most sensitive environments;
- The limitations imposed by the nature of the telecommunications network and the technology; and
- The results of early consultation between planning authorities and telecommunication operators to enable the requirements of telecommunications networks and routing and phasing of network development to be taken into account.

2.7.2 Development plans may allocate particular sites for major telecommunications developments such as tall masts so as to encourage site sharing and include policies on:

- The siting and external appearance of apparatus, including any location and landscaping requirements designed to minimise the impact of such apparatus on amenity, without inhibiting operating efficiency; and
- The circumstances under which the local planning authority may decide prior approval is required for the siting and appearance of development or might intervene to seek the relocation of an antenna installed under permitted development rights in order to minimise its effect on the external appearance of a building.
- The reasoned justification associated with these policies may include criteria under which particular telecommunications development will be treated as de minimis.

2.7.3 In regard to environmental considerations the TAN requires protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications. Telecommunications development may need particular locations in order to work effectively. But those may be exactly the prominent locations that pose challenges to policies for the protection of high quality landscapes and quality in urban areas. High priority should be given to protecting such areas and the need to safeguard areas of particular environmental importance. In National Parks and Areas of Outstanding Natural Beauty proposals should be sensitively designed and sites and the developer must demonstrate that there are no suitable alternative locations.

2.7.4 In regard to telecommunications aspects in other developments, the TAN state that it is preferable to locate new cabling underground or along the external surfaces of buildings, but the method of distribution already prevailing in the area may be a relevant factor. In the past some local planning authorities have sometimes used their powers to impose conditions to require all future cables and wires serving a new estate to be installed underground. However, it may not be possible and/or too expensive for future occupiers of land to ensure that future wires are placed underground. It is therefore better to encourage the installation of adequate ducting as part of the development at the outset. Telecommunications operators will normally wish to make use of it, if it is available and suitable for their purpose.

Local Policy Context

2.8 Powys Local Development Plan and Community Infrastructure Levy Viability Assessment (2014)

2.8.1 This assessment was prepared by HDH Planning and Development Ltd to assess the economic impact of the policies within the LDP on development viability and to advise in relation to Community Infrastructure Levy (CIL) as a mechanism to fund, at least in part, the infrastructure required to deliver the plan. It provides a significant piece of evidence to consider and inform the preparation of the LDP.

2.8.2 The assessment considers the impact on development viability of the proposed policies in the LDP to ensure that the level of affordable housing and other policy requirements (including those relating to utilities and planning obligations) are appropriate, and that the policies in the LDP imposed on developers do not generally render development unviable and hence undeliverable.

2.8.3 It also assesses the effect the introduction of a Community Infrastructure Levy (CIL) may have on development viability in the context of CIL regulation 14.

3.0 Local Context

3.1 Introduction

3.1.1 Utility infrastructure encompasses services such as water supply, sewerage treatment, electricity, gas and telecommunications. Responsibility for the supply and maintenance of existing services rests largely with a mix of statutory undertakers and private companies. Where possible, developments should be connected to the existing infrastructure but in locations where there is no spare capacity, future development will be constrained until the constraint is overcome or a satisfactory alternative can be found. Where off-mains extensions and/or mains capacity increases are required to service proposed new development all works and improvements should be provided at the developer's cost. In these circumstances, satisfactory arrangements should be made between Utility Companies and the developer for the aftercare and maintenance of the works.

3.1.2 Utility companies have been consulted at an early stage in the LDP process, to ascertain whether particular towns and villages have utility constraints that will restrict future development and to establish the investment programs of these companies. This information has been used to inform the LDP's distribution of housing, employment and other land use allocations. Specific utility constraints, issues or infrastructure requirements identified for allocated sites are proposed to be included in the Allocations appendix in the LDP. This will ensure that these issues and infrastructure requirements are considered in the development of these sites and assist to inform when these sites will come forward during the plan period.

3.1.3 The Council also recognises that utility companies often do not have flexibility in deciding where and whether to invest in new infrastructure. The nature of utilities means that it is inevitable that some development will take place in the open countryside. New developments need careful consideration to maintain a balanced approach to service provision and the protection of the natural and built environments.

3.1.4 PPW requires development plans to consider both the siting requirements of the utilities to enable them to meet the demands that will be placed upon them, and the environmental effects of such additional uses. Further, TAN 19 – Telecommunications provides guidance on telecommunications development including consultation, environmental and health requirements. The following sections include further detail on water supply, sewerage treatment, and utility infrastructure including electricity, Gas, Telecommunications development, Utilities Infrastructure associated with the transmission and distribution of Renewable Energy Development, funding of utilities and infrastructure and known issues and constraints.

3.2 Water Supply

3.2.1 In regard to water supply servicing new development, under the Water Industry Act 1991 relevant water companies have a duty to provide a wholesome supply of mains water. Exceptions exist for elevated positions to a height greater than it will flow by gravitation from the source. Public water supplies in Powys are provided by Dwr Cymru Welsh Water and Severn Trent Water Ltd.

3.2.2 In regard to non-domestic uses, water companies are not obliged to make supplies available. Developers are encouraged to discuss their non-domestic water needs with the appropriate water company to agree a solution. A golf course development for example, will

need to use a private water supply for irrigation (which may require licencing) as the use of potable water for irrigation is not considered appropriate.

3.2.3 If public water mains are not available, for example in rural locations, alternative sources and their impacts will be considered, such as private bore-holes, springs and water/rainfall harvesting, but in all cases the Council must be satisfied that any source is wholesome and adequate. In this regard, Council also needs to have regard to relevant River Basin Management Plans and water supply advice provided by Natural Resources Wales.

3.3 Sewerage Treatment

3.3.1 In regard to sewerage, new development is required to be connected to the public foul sewerage system, which comprises sewers, sewerage pumping stations and sewerage treatment works. Development will generally not be permitted unless foul sewers and sewerage treatment works of adequate design and capacity are available or will be provided in time to serve the development. This approach seeks to avoid any risk of polluting the environment. Dwr Cymru Welsh Water and Severn Trent Water Ltd. are responsible for the installation and improvement of the public sewerage system and sewerage treatment works in Powys.

3.3.2 Development proposing the use of non mains drainage schemes will only be considered acceptable where connection to the mains sewer is not feasible. Non mains sewerage proposals, such as septic tanks and surface water drainage schemes included in development applications should be the subject of an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99, prior to the determination of the planning application.

3.4 Electricity, gas and telecommunications

3.4.1 Utility service improvements including overhead electricity lines, pipelines and telecommunications developments enable service provision vital to the sustainability of rural communities and economies. Improvements to broadband coverage in rural areas for example can provide economic and social benefits to its communities. Utility service improvements needs careful consideration (particularly in the open countryside) to support a balanced approach between service provision and the protection of the natural and built environments and significant landscapes of Powys.

3.4.2 Utility companies servicing Powys are encouraged to undertake necessary improvements and operational developments throughout the Plan Area. It is noted that Utility companies are granted specific rights under the Town and Country Planning (General Permitted Development) Order 1995, as amended, to carry out certain operational developments without the need for planning permission. Where the Council is consulted on operational works or planning permission is required by Council, it will emphasise the need to safeguard and protect both the built and natural environment.

3.4.3 Utility companies often do not have flexibility in deciding where and whether to invest in new infrastructure. These decisions are often determined by external factors and in this respect utilities development is wholly different in character from conventional development where pressure comes from the developer. The nature of utilities means that it is inevitable that some development will take place in the countryside.

3.4.4 Overhead wiring and cables for the transmission of electricity and telecommunications can drastically affect the character of landscapes and townscapes. Improvements in telecommunications, such as satellite technology, and the placing of cables underground, especially in urban areas, has lessened the need for overhead wiring but it will continue to be needed especially in rural areas. Its impact can be substantially reduced if routed to follow hedgerows, woodland edges, and low-lying land wherever this is feasible. Gas pipelines are generally laid underground but new proposals should be similarly sited to avoid damage or harm, especially during construction, to important landscapes, nature conservation and archaeological interests.

3.4.5 Initiatives such as Superfast Cymru, a partnership between the Welsh Government and BT, with additional funding from Broadband Delivery UK and the European Regional Development Fund enable the expansion of broadband to areas not covered by commercial plans. Superfast Cymru, the largest partnership of its kind in the UK is working towards ensuring that Welsh Government achieves its target of 96% of premises in Wales having fast fibre broadband access by the end of spring 2016. Superfast Cymru and similar programs has the potential to transform the broadband landscape in Wales and help in promoting economic growth and providing sustainable jobs.

3.5 Utilities Infrastructure associated with the transmission and distribution of Renewable Energy Development

3.5.1 Renewable Energy is considered in detail in the Renewable Energy topic paper. However, the following section provides local context in regard to Utilities infrastructure (i.e. electricity networks) associated with the transmission and distribution of renewable energy development in Powys.

3.5.2 Mid Wales has been identified as an important location for onshore wind by the Welsh Government and, as a result, a number of generation companies are planning wind farms in the region. In response to these and other renewable energy developments utility providers including National Grid and Scottish Power need to support the connection of these wind farms in Powys to the wider electricity network. This type of infrastructure includes electricity transmission systems (i.e. the long distance transfer of electricity through 400kV and 275kV lines), and distribution systems (i.e. lower voltage lines from 132kV to 230V from transmission substations to the end user and associated infrastructure (i.e. substations).

3.5.3 A major project of relevance that could come forward during the LDP plan period is the Mid Wales Connection Project. This project has two components, the Scottish Power Mid Wales Connection Project and the National Grid Mid Wales Connection Projects.

3.5.4 The Mid Wales Connection Project is an electricity networks project for a number of wind farms in mid Wales that have signed connections agreement for SP Manweb and National Grid to design and build connections to the wider electricity network.

3.5.5 The Scottish Power Mid Wales Connection Project is made up of a number of proposed components:

- 132kV Overhead line connections linking the wind farms to the National Grid substation near Cefn Coch;
- Underground cables (if/as identified as part of the Environmental Impact Assessment process);
- Construction components; and
- A 33kV/132kV substation.

3.5.6 The National Grid Mid Wales Connection project proposes to connect new onshore wind generation in Mid Wales by constructing a substation, at Bryngwyn in the Cefn Coch area, and a new 400kV connection from that substation at Bryngwyn, to a point on the existing National Electricity Transmission System and Berghill, near Lower Frankton, Shropshire.

3.5.7 These projects are nationally significant infrastructure projects and are subject to the planning process set out in the Planning Act 2008. These types of applications are considered under Section 37 of the Electricity Act (1989) by the Department of Energy and Climate Change and Council is consulted and can provide comments prior to assessment. These projects are yet to be formally assessed under this regime.

3.5.8 Following the establishment of this project, a conjoined public inquiry into wind farm developments in Powys commenced in May 2013. In September 2015 the Department of Environment and Climate Change (DECC) announced the outcome of the inquiry into the five proposed wind farms in Mid Wales – four of which would have used the proposed connection. DECC refused planning consent for all four and some of these are appealing the decision.

3.5.9 This has resulted in this project being suspended until the implications of appealing the decisions and the subsequent impact on the project is known. If it is established that National Grid's connection is not needed, the project will not continue. Given that the future of this project is unknown, and consent for these projects (should they proceed) is being determined at a national level, the LDP does not include any specific site allocations or policy requirements in relation to electricity transmission or distribution infrastructure.

3.5.10 Notwithstanding the above, it is anticipated that the proposed suite of Development management policies would enable the appropriate consideration of relevant electricity infrastructure proposed at a scale where council would be the consenting authority.

3.5.11 For applications regulated by the Electricity Act (1989) for which the consent authority is Department of Energy and Climate Change, Council is given the opportunity to provide comment prior to consideration. Powys Council would generally emphasise the need for the proposal to not detrimentally impact on the natural or built environment. In this regard, where overhead lines are considered the more favourable option there are guidelines, known as the Holford rules. These rules were established in 1959 and are presented today in National Policy Statement for Electricity Networks Infrastructure (EN-5), this document forms the basis upon which overhead lines are routed.

3.5.12 Following these rules, lines are routed to avoid:

- Areas of highest amenity value such as Areas of Outstanding National Beauty (AONB);
- Avoid smaller areas of amenity value or scientific value by deviation;
- Follow as straight a path as possible to limit the use of angle and terminal towers;
- Choose tree and hill backgrounds as opposed to open sky backgrounds;
- Use where possible moderately open valleys with woods where the apparent height of the towers would be reduced and views of the line broken;
- Approach urban areas through industrial zones and carefully assess comparative costs of undergrounding lines between the approach and substation when pleasant residential and recreational areas intervene.
- for which applications are not received by the Department of Energy and Climate Change until Council gives a response.

3.5.13 Council would generally raise no objection to such development in relation to landscape and visual impact if the proposal was in accordance with the rules.

3.6 Funding of Utilities and Infrastructure

3.6.1 Section 106 of the Town and Country Planning Act (1990) enables developers and Local Planning Authorities to enter into planning obligations. A planning obligation is a legally binding agreement between a Local Planning Authority and a developer. CIL Regulation 122(2) states that *a planning obligation may only constitute a reason for granting planning permission for development if the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably related in scale and kind to the development.*

3.6.2 Planning obligations then relate to the use of land or require a monetary contribution to be paid by the developer to the authority to fund works associated with new development. Currently in accordance with the Powys Unitary Development Plan, new utilities and Infrastructure required to service proposed development can be funded through Section 106 agreements/planning obligations where planning conditions are considered not appropriate. Under this system, the delivery of site specific infrastructure largely falls to the developer of the site. If improvements to the infrastructure are required, then normally it is for the developer to procure and construct those items under the supervision of the Council or relevant authority. An advantage of this system is that the developer has control of the process and can carry out (directly or indirectly) improvements that are required to enable a scheme to come forward. The developer carries all financial and development risk associated with the process.

3.6.3 The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. These regulations allow local authorities to raise funds from developers undertaking new building projects in their area. The money can then be used to fund a wide range of infrastructure that is needed as a result of development.

3.6.4 After 6th April 2015 no more than five contributions from Section 106 agreements, since 6th April 2010, can be included within a fund for sharing resources. CIL is a voluntary mechanism and was introduced to supersede the present planning obligation system. Regulation 14 (as amended) of the CIL Regulations states *councils must strike a balance between (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability.* Powys has not introduced CIL at this time.

3.6.5 The Powys LDP and CIL Viability Assessment (2014) considers the viability of the Powys Local Development Plan (2011 – 2026), Deposit Draft, June 2014 and the effect of the introduction of CIL may have on development viability in the context of CIL Regulation 14. This assessment includes consideration of the effect the introduction of CIL may have on development viability in the context of CIL Regulation 14. Chapter 2 of the assessment sets out the reasons for, and approach to viability testing including a review of the requirements of the Planning Policy Wales and CIL Regulations. Chapter 13 of the assessment considers setting Community Infrastructure Levy.

3.6.6 The assessment does not make recommendations on whether CIL should be introduced as a mechanism to fund infrastructure or identify recommended rates to set CIL. It does however provide a basis for further consideration of introducing a CIL charging schedule. The Council will consider introducing CIL following adoption of the LDP.

3.7 Issues and Constraints

3.7.1 Utility providers have been consulted during the plan making process. Specific utility constraints, issues or infrastructure requirements identified for allocated sites (including those in the table that were identified during the Deposit 1 period (2014)) and those provided during Deposit 2 period (2015) which informed Focussed Changes are included in the Site Allocations Appendix in the LDP. This will ensure that these issues and infrastructure requirements are considered in the development of these sites.

Table 1 Dwr Cymru – Welsh Water Site specific comments (Deposit 1 (2014))

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
Builth Wells & Llanelwedd	P08	HA1	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition provisions of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Builth Wells & Llanelwedd	P08	HA2	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition provisions of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Builth Wells & Llanelwedd	P08	HA3	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition provisions of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Builth Wells & Llanelwedd	P08	EA1	EC1? Welsh Waters local sewerage network can accommodate foul flows from the proposed development site, however off site sewers would be required to connect to the public sewerage network. These can be provided through the sewer requisition scheme under Sections 98-101 of the Water Industry Act 1991.
Knighton	P24	HA3	Off site mains may be required to serve HA3 Presteigne Road. These can be provided through a water requisition scheme under Sections 41-44 of the Water Industry Act 1991.
Llandrindod Wells	P28	HA2	Welsh waters local sewerage network can accommodate foul flows from the proposed development site however off site sewers may be required. These can be provided through the sewer requisition scheme under Sections 98-101 of the Water Industry Act 1991.
Llandrindod Wells	P28	HA3	Off site mains may be required to serve the site. These can be provided through a water requisition scheme under Sections 41-44 of the Water Industry Act 1991. There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve flooding, subject to funding being approved by our Ofwat, or progress the improvements through the sewerage requisition provisions of the Water Industry Act 1991 or S106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) is required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Llandrindod Wells	P28	HA4	Welsh waters local sewerage network can accommodate foul flows from the proposed development site however off site sewers may be required. These can be provided through the sewer requisition scheme under Sections 98-101 of the Water Industry Act 1991.
Llandrindod Wells	P28	EA1	Potential developers need to be aware that the site is crossed by a sewer and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon the density achievable on site.
Machynlleth	P42	HA3	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			sewerage requisition of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990.
Machynlleth	P42	HA1	Welsh waters local sewerage network can accommodate foul flows from the proposed development site however off site sewers would be required to connect to the public sewerage network. These can be provided through the sewer requisition scheme under Sections 98-101 of the Water Industry Act 1991.
Machynlleth	P42	HA2	Welsh waters local sewerage network can accommodate foul flows from the proposed development site however off site sewers would be required to connect to the public sewerage network. These can be provided through the sewer requisition scheme under Sections 98-101 of the Water Industry Act 1991.
Presteigne	P51	MUA 1	Potential developers need to be aware that the site is crossed by a sewer and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon the density achievable on site. Presteigne Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Presteigne	P51	HA1	Presteigne Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers which to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Presteigne	P51	HA2	The local sewerage network can accommodate foul flows from the proposed development site however, off site sewers may be required. These can be provided through the sewer requisition scheme under sections 98-101 of the Water Industry Act 1991. Presteigne Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Presteigne	P51	EA1	The local sewerage network can accommodate foul flows from the proposed development site however, off site sewers may be required. These can be provided through the sewer requisition scheme under sections 98-101 of the Water Industry Act 1991. Presteigne Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required.

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Rhayader	P52	EA1	Potential developers need to be aware that the site is crossed by a sewer and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon density achievable on site.
Ystradgynlais Area	P58	HA1	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA2	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA3	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA4	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA5	Due to the amount of proposed development and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. The local sewerage network can accommodate foul flows from the proposed development. Potential developers need to be aware that the site is crossed by a sewer and protection measures in the form of easement widths or a diversion of pipe would be required, which may impact upon the density achievable on site. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA6	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA7	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	HA8	Off site mains may be required to serve the site. These can be provided through a water requisition scheme under Sections 41-

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			44 of the Water Industry Act 1991. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Ystradgynlais Area	P58	EA1	Due to the amount of proposed development, and the close proximity of sites, it will be necessary for developers to fund the undertaking of a hydraulic modelling assessment of the water supply network to establish any improvements required to serve the sites with an adequate water supply. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Hay-on-Wye	P21	MUA 1	The foul flows from this development would pass through two Welsh Water Sewerage Pumping Stations and the cumulative effect of flows from the site would require an assessment of the sewerage pumping stations to establish whether improvements are required. If improvements are required the sewer requisition provisions of the Water Industry Act 1991 can apply. Hay on Wye Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements than financial contributions from developers are required to fund the necessary improvements.
Abercrave	P01	HA1	Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Boughrood & Llyswen	P06	HA1	Llyswen Village Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
Boughrood & Llysven	P06	HA2	Llysven Village Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Bronllys	P07	HA1	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Bronllys	P07	HA2	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages. There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. A hydraulic modelling assessment (HMA) may be required to determine the point of connection to the public sewerage system and potential developers would be expected to fund investigations during pre-planning stages.
Clyro	P13	HA1	Potential developers need to be aware that the site is crossed by a sewer and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon the density achievable on site. The proposed growth being promoted for this settlement would require improvements to Clyro Wastewater treatment works which would need to be funded through Welsh waters Asset Management Plan or potentially earlier through developer

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			contributions.
Coelbren	P14	HA1	Off site mains may be required to serve the site. These can be provided through a water requisition scheme under Sections 41-44 of the Water Industry Act 1991. Ystradgynlais Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Crossgates	P16	HA1	Potential developers need to be aware that this site is crossed by a water main and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon the density achievable on site. The proposed growth being promoted for this settlement would require improvements at Crossgates Wastewater Treatment Works which would need to be funded through our Asset Management Plan or potentially earlier through developer contributions.
Glasbury	P19	HA1	Glasbury Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Howey	P22	HA1	Potential developers need to be aware that the site is crossed by a water main and protection measures in the form of easement widths or a diversion of the pipe would be required, which may impact upon the density achievable on site.
Llangurig	P33	HA1	Llangurig Wastewater Treatment Works has limited capacity and dependant on the pace and build rate of development there will ultimately be a time when increased capacity is required. Should developers wish to proceed in advance of any regulatory improvements then financial contributions from developers are required to fund the necessary improvements.
Llanyre	P41	HA1	There are isolated incidents of flooding in the public sewerage system that will need to be resolved to allow development to proceed. Potential developers can either wait for DCWW to resolve the flooding, subject to funding being approved by our regulator Ofwat, or progress the improvements through the sewerage requisition provisions of the Water Industry Act 1991 or s106 of the Town and Country Planning Act 1990. The proposed growth being promoted for this settlement would require improvements at Llanyre Wastewater Treatment Works

Settlement Name	Inset Map	Site Ref	Dwr Cymru Welsh Water comments at Deposit 1 2014
			which would need to be funded through our Asset Management Plan or potentially earlier through developer contributions.
Three Cocks	P53	MUA /C1	Foul flows from this development would pass through the Welsh Water terminal Sewerage Pumping Station and would require an assessment of the sewerage pumping station to establish whether improvements are required. If improvements are required the sewer requisition provisions of the Water Industry Act 1991 can apply. The proposed growth being promoted for this settlement would require improvements at Aberllyfni Wastewater Treatment Works which would need to be funded through our asset management plan or potentially earlier through developer contributions.

4.0 KEY ISSUES

The following section details the issues that have been identified through this paper relating to Utilities and Infrastructure.

4.1 The allocation of land and new development needs to be deliverable and co-ordinated with appropriate public service provision

4.1.1 New development needs to be located in the most sustainable locations to ensure deliverability and coordination with appropriate service provision (including utilities and infrastructure). This approach provides the opportunity to consider the role and function of settlements. Utility infrastructure, such as public sewers, sewerage treatment works and mains gas supply, are not available or are operating at capacity in some parts of the county which can act as a constraint to development. Supporting housing, employment and services in and around the most sustainable settlements contributes to their vitality and promotes vibrant and sustainable communities. This ultimately provides focus for service provision and investment plans/opportunities, enhancing sustainability, as supported by Planning Policy Wales. For further information in relation to the sustainable settlement hierarchy refer to the Strategy Topic Paper (January 2016).

4.2 Broadband access should be facilitated to enable socio-economic opportunities and electronic access to services to be improved

4.2.1 Telecommunications technology has developed rapidly in the last few decades to meet the growing demands for better and faster communications and it has become an essential part of modern living. In rural areas such as Powys, telecommunications and information technology can serve to overcome the problems of periphery and remoteness. This enables home working and entertainment, long distance education and new economic patterns for local business, with the overall advantage of reducing the need for travel.

4.2.2 New Telecommunications developments can provide much needed access to broadband coverage which is vital to the sustainability of rural communities and economies. New development of this nature needs careful consideration to support a balanced approach between service provision and the protection of the natural and built environments and significant landscapes of Powys.

4.2.3 Initiatives such as Superfast Cymru, enable the expansion of broadband to areas not covered by commercial plans. Superfast Cymru, the largest partnership of its kind in the UK is working towards ensuring that Welsh Government achieves its target of 96% of premises in Wales having fast fibre broadband access by the end of spring 2016. These types of initiatives have the potential to transform the broadband landscape in Wales and help in promoting economic growth and providing sustainable jobs.

4.3 Key Issues for Inclusion in Deposit Plan

4.3.1 The above paragraphs identify issues relating to Utilities and Infrastructure that the Deposit Draft Local Development Plan must address. In order to ensure that the Deposit Draft Plan is succinct, it is considered that the identified issues can be summarised in the following statements:

LDP Key Issue 33 – The LDP needs to direct development to locations that are best served by existing and potential infrastructure and services and to

ensure that the location of development is co-ordinated with the review of public service provision.

LDP Key Issue 40 – The LDP should facilitate broadband access throughout the county to enable socio-economic opportunities and electronic access to services to be improved.

LDP Key Issue 41 – Utility infrastructure, such as public sewers, sewerage treatment works and mains gas supply, are not available or are operating at capacity in some parts of the county which can act as a constraint to development.

5.0 Review of existing UDP Policies

5.1 Introduction

5.1.1 Para 5.3.2 of the Local Development Plan Manual states that “Existing planning policies should also be reviewed, for example the frequency of their use in development controls decisions and/ or their effectiveness at recent appeals”.

5.1.2 The UDP includes the following policies that address Utilities and Infrastructure:

- UDP SP13 – Utilities/Service Infrastructure;
- DC4 – Telecommunication Apparatus;
- DC5 – Satellite Dishes, Antennae, CCTV and Other Devices;
- DC6 - Operational Development by Utility Companies;
- DC7 - Developer Contributions to Utility Infrastructure;
- DC8 - Public Water Supply;
- DC9 – Protection of Water Resources;
- DC10 – Mains Sewerage Treatment;
- DC11 – Non-Mains Sewerage Treatment;
- DC12 – Overhead Lines and Pipelines

For further information refer to the Powys Unitary Development Plan (UDP) 2001 – 2016.

5.2 Review of Existing UDP Policies

5.2.1 The UDP’s ten Utilities and Infrastructure policies address different types of utility developments (i.e. utilities/service infrastructure, overhead lines and pipelines etc.) a lot of these policies are interlinked and could be combined and simplified to reduce the number of policies in the LDP.

6.0 Recommendations – LDP Objectives, Policies and Monitoring

6.1 Introduction

6.1.1 PPW requires development plans to consider both the siting requirements of the utilities to enable them to meet the demands that will be placed upon them, and the environmental effects of such additional uses. Further, TAN 19 – Telecommunications provides guidance on telecommunications development including consultation, environmental and health requirements

6.1.2 Utility infrastructure encompasses services such as water supply, sewerage treatment, electricity, gas and telecommunications. Utility companies do not always have flexibility in deciding where and whether to invest in new infrastructure. New developments should balance the need for service provision with the need to protect the environment.

6.1.3 Utility companies have been consulted at an early stage in the LDP process, to ascertain whether particular towns and villages have utility constraints that will restrict future development and to establish the investment programs of these companies. This information has been used to inform the LDP's distribution of housing, employment and other land use allocations.

6.1.4 Specific utility constraints, issues or infrastructure requirements identified for allocated sites will be included in Appendix 1 of the LDP. This will ensure that these issues and infrastructure requirements are considered in the development of these sites and assist to inform when these sites will come forward during the plan period.

6.2 Utility and Infrastructure Objectives

6.2.1 It is important that the objectives of the LDP address utility and infrastructure needs in Powys. The following objectives relating to this topic have been proposed for the LDP. They have been written to address the key issues identified in this topic paper and those identified in some of the other topic papers.

LDP Objective 2 – Sustainable Settlements and Communities

To support sustainable development, access to services and the integration of land uses, by directing housing, employment and services development in accordance with a sustainable settlement hierarchy. Higher levels of development will be directed to Powys' towns and larger villages but where these are unable to sustain further growth due to capacity constraints, development will be accommodated in nearby towns or large villages.

(Addresses Key Issues 33 and 41).

LDP Objective 9 – Infrastructure and Services

To support the provision of infrastructure and services to meet the future needs of Powys' communities.

(Addresses Key Issues 33, 40 and 41)

6.2.2 These objectives support the strategic settlement hierarchy of the LDP which is designed to direct development to locations that are best served by existing and potential infrastructure and services to ensure that the location of development is co-ordinated with the review of public service provision.

6.3 Utilities and Infrastructure Policies

6.3.1 The proposed policy approach to utilities and infrastructure in the LDP seeks to simplify the UDP policy approach and provide one policy to consider utility infrastructure associated with new development. In addition, the proposed planning obligations policy will provide a mechanism to consider funding of new infrastructure through planning obligations. This is consistent with the current approach in the UDP.

6.3.2 It should be noted that no specific telecommunications development policy is proposed. The proposed suite of development management policies will include consideration against a range of issues relevant to all planning applications. These include for example the protection of the natural and built environment. These policies ensure adequate consideration of such issues which apply to all new developments but are especially important in the consideration of utilities infrastructure, which by its very nature has the potential to be visually obtrusive and impact on the environment.

6.3.3 In addition to the proposed utility policy, all Utilities development must be in accordance with PPW Chapter 12 – Infrastructure and Services, TAN 19 – Telecommunications.

6.3.4 Policy DM13 – Utility Requirements for New Development seeks to ensure adequate provision of utility services associated with new development:

Policy DM13 – Utility Requirements for New Development

Proposals for development must ensure adequate utility services exist or will be provided readily and timely without unacceptable adverse effect on the surrounding environment.

Written Justification: Utility infrastructure encompasses services such as water supply, sewerage treatment, electricity and gas supplies, and telecommunications. Responsibility for the supply and maintenance of existing services rests with a mix of statutory undertakers and private companies. Where possible, developments should be connected to the existing infrastructure but in locations where there is no spare capacity, future development will be constrained until the capacity is increased or a satisfactory alternative can be found. Where off-mains extensions and/or mains capacity increases are required to service proposed new development, all works and improvements will be provided at the developer's costs in accordance with Policy DM1 – Planning Obligations. In these circumstances, satisfactory arrangements should be made between utility companies and the developer for aftercare and maintenance of the works. Utility companies have been consulted at an early stage in the LDP process and this information has been used to inform the LDP's distribution of housing, employment and other land use allocations. Site specific utility issues and constraints are included in the allocations table of this plan (refer to Appendix 1). Any matters identified will need addressing as part of the development of this land.

Utility companies serving Powys are encouraged to undertake necessary improvements and operational developments throughout the Plan Area. Where the Council is consulted on operational works or planning permission is required by Council, it will emphasise the need to safeguard and protect both the built and natural environment. Utility service improvements such as overhead lines, pipelines and telecommunications developments can provide much needed access to broadband coverage for example which is vital to the sustainability of rural communities and economies. These developments need to balance service

provision needs with the protection of the environment and are subject to the relevant Development Management Policies of this plan.

PPW requires development plans to consider both the siting requirements of utilities to enable them to meet the demands that will be placed upon them, and the environmental effects of such additional uses. Further, TAN 19 – Telecommunications provides guidance on telecommunications development including consultation, environmental and health requirements. All utilities development must be in accordance with PPW Chapter 12 – Infrastructure.

In accordance with the Water Industry Act 1991 relevant water companies have a duty to provide a wholesome supply of mains water to serve new development. Exceptions exist for elevated positions at a height greater than water will flow by gravity from the source. However, it is noted that water companies are not obliged to make supplies available for non-domestic use. A golf course for example will need to use a private water supply for irrigation (which may require licencing) as the use of potable water for irrigation will not be supported. If public water mains are not available, for example in rural locations, alternative sources and their impacts will be considered, but in all cases the Council must be satisfied that any source is wholesome and adequate. The Council will also have regard to relevant River Basin Management Plans and water supply advice provided by Natural Resources Wales.

All new development should be connected to the public foul sewerage system. Development will not be permitted unless foul sewers and sewerage treatment works of adequate design and capacity are available or will be provided in time to serve the development. This will avoid any risk of polluting the environment. Any non mains sewerage proposal must comply with Welsh Circular 10/99 Planning Requirement in Respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development and demonstrates that the quality of surface and ground waters will not be adversely effected (in line with Water Framework Directive objectives).

6.3.6 Policy DM1 – Planning Obligations enables planning obligations to be sought as part of new development to address infrastructure:

Policy DM1 – Planning Obligations

Planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

- 1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;**
- 2. Benefits in the public interest are secured where these are relevant and reasonably related to the proposal, and required to enable it to proceed.**

Written Justification: The Council will only look to use planning obligations where planning conditions are considered inappropriate.¹ Listed below are examples of where planning obligations will be sought:

¹ Planning conditions – see PPW, Section 3.6; Planning Obligations – see PPW, Section 3.7.
<http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

- Provision or improvement of essential infrastructure or utilities required to serve a development.
- Affordable housing in residential developments.
- Provision or improvement of community, educational, health, recreation and open space facilities required to serve a development.
- Support for sustainable modes of transport, improved traffic management, and rights of way in relation to the development.
- Securing financial contributions (commuted sums) in lieu of provision such as a contribution towards public transport services or affordable housing.
- Mitigation measures that support the protection and enhancement of Welsh language and culture in Welsh speaking strongholds.
- Measures that mitigate the adverse impacts of development.

Planning obligations will be negotiated and the viability of development will be taken into account. Where obligations would impact upon delivery, priority will be given to ensuring that essential transport and utility infrastructure required for development to be implemented is provided (e.g. water, sewage, access). Once this has been secured the delivery of affordable housing will be the priority in any further negotiations.

The Planning Act 2008 made provision for Councils to seek contributions from development for infrastructure through a Community Infrastructure Levy (CIL)². Contributions from a CIL can be used to fund infrastructure at a county-wide level including transport schemes, schools and leisure centres. In order to encourage authorities to introduce CIL, the regulations restricted the pooling of S106 contributions to a maximum of 5 contributions from the 6th April 2015 (including all relevant S106 contributions received since 6th April 2010).

The Powys Local Development Plan and Community Infrastructure Levy Viability Assessment (2014) considered the impact on development viability of the proposed LDP policies and from introducing a CIL. It concluded that there was scope to introduce a CIL although the Council will not make a decision on whether to pursue a CIL until the LDP has been adopted. It should be noted that the deliverability of site allocations proposed by the plan is not dependant on the introduction of a CIL, although site-specific planning obligations will continue to be sought in accordance with the regulations.

6.4 Monitoring

6.4.1 The proposed LDP monitoring framework (below) identifies the topic area and reference number, the relevant plan objectives, the target, relevant policies, indicators of whether the target has been met and the source of monitoring information required. The monitoring will identify triggers for appropriate actions should the LDP be found to be failing to meet its objectives.

6.4.2 Monitoring information will be based on the period 1st April to 31st March and reported in the LDP's Annual Monitoring Report (AMR). A full review of the LDP will commence four years from its adoption. The following table provides proposed monitoring information for Planning Obligations (which address Planning Obligations associated with infrastructure and utilities improvements):

Topic & Reference	Planning Obligations – AMR 11
LDP Objective	1 – Meeting Future Needs 2 – Sustainable Settlements and Communities 8 – Regeneration 9 – Infrastructure and Services 15 – Welsh Language and Culture
Target	Amount of planning gain achieved.
Policies	Policy DM1 – Planning Obligations
Local Indicator	Total amount of developer contributions (£) received for/towards: <ul style="list-style-type: none"> a. Transport infrastructure or improvements b. Utility infrastructure c. Affordable housing provision d. Community facilities e. Health facilities f. Recreation and open space facilities g. Education/Welsh language
Source	Development Management/ Section 106 monitoring officer Information
Triggers and Actions	Monitoring for information and to ensure S106 contributions aren't pooled more than 4 times.

7.0 Involvement

7.1 Relevant Utility Service providers were consulted during the preparation of the LDP and comments received were feed into the consideration of site allocations. Any utilities or infrastructure issues or constraints identified as a result of involvement with utility service providers have also been included in the LDP's site allocations table (See LDP Appendix 1).