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Planning Policy Wales

Chapter 12 Infrastructure and Services

12.1 Objectives

12.1.1 Adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, electricity and gas (the utilities) and telecommunications, is crucial for the economic, social and environmental sustainability of all parts of Wales. It underpins economic competitiveness and opportunities for households and businesses to achieve more socially and environmentally desirable ways of living and working. At the same time, infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

12.1.2 This chapter deals with infrastructure and services, that is with issues of water supply and waste water management, waste management, energy supply from renewable and low carbon sources, and telecommunications. Guidance relating to transport infrastructure is in Chapter 8.

12.1.3 European environmental legislation places obligations on EU Member States with regard to the provision of environmental infrastructure (such as waste water treatment plants). The Welsh Government has an important role in securing compliance.

12.1.4 The Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities. New approaches to infrastructure will be needed in light of the consequences of climate change. The objectives 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's objectives for waste management;
- to promote the generation and use of energy from renewable and low carbon energy sources at all scales and promote energy efficiency, especially as a means to secure zero or low carbon developments and to tackle the causes of climate change;
- 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 as 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 (see 4.5); 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.

12.1.5 The planning system has an important part to play in ensuring that the 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.

12.1.6 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. In general, local planning authorities should seek to **maximise the use of existing infrastructure** and should **consider how the provision of different types of infrastructure can be co-ordinated.**

12.1.7 Local planning authorities must develop a strategic and long-term approach to infrastructure provision when preparing development plans. They should consider both the siting requirements of the utility companies responsible for these services to enable them to meet community needs and the environmental effects of such additional uses. Development may need to be phased, in consultation with the relevant utilities providers, to allow time to ensure that the provision of utilities can be managed in a way consistent with general policies for sustainable development.

12.1.8 It is essential that local planning authorities consult utility companies and other infrastructure providers and Natural Resources Wales at an early stage in the formulation of land use policies. Welsh Government guidance in *Local Development Plan Wales (2005)* provides details of the bodies which must be consulted about particular issues to ensure that plan policies are realistic and capable of implementation. Local authorities are also required to consult appropriate bodies and to take their views into account when determining planning applications.

12.2 Water supply and waste water management

12.2.1 In development plans and when considering development proposals local planning authorities should promote increased efficiency and demand management of water resources, particularly in those areas where additional water resources may not be available, taking into account the effects that a changing climate may have over the lifetime of development.

12.2.2 The EU Water Framework Directive[1] imposes requirements for the integrated planning and management of water which have implications for land use planning in both urban and rural areas.

12.3 Development plans and water

12.3.1 Development plans should take water-related issues into account from an early stage in the process of identifying land for development and redevelopment. New development should be located and its implementation planned in such a way as to allow for sustainable provision of water services, in particular minimising vulnerability to the impacts of climate change. Design approaches and techniques that improve water efficiency[2] and minimise adverse impacts on water resources, surface water quality, the ecology of rivers and groundwater should be encouraged (see 13.3 to 13.4 and 13.10 to13.12).

12.4 Development management and water

12.4.1 The adequacy of water supply and the sewage infrastructure are material in considering planning applications and appeals. The need to balance the growing demand for water with the needs of the environment is crucial. Even where there is theoretical capacity, timely investment in infrastructure is required to ensure that new development does not adversely affect water supplies, water quality or sewerage. These issues require early identification when locating future development. Local planning authorities should therefore encourage the use of sites where existing water supply and/or drainage provision problems can be solved and seek to avoid the use of sites where adequate water supply and/or drainage provision is unlikely to be achieved.

12.4.2 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. To ensure consistency of design and facilitate long-term maintenance, sewers should be built to an adoptable standard, and developers should consult sewerage undertakers in the early stages of design and planning[3] (see 4.11).

12.4.3 Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible[4]. Non-mains sewage 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. A catchment wide perspective should be adopted including the use of Sustainable Urban Drainage Systems, where appropriate[5] (see 13.3 to 13.4).

12.5 Planning to manage waste

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans[6]. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050[7]. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:-

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

12.5.4 There are a number of specific principles, in addition to these general principles, which should guide planning approaches and inform decisions. Of these principles, the waste hierarchy provides the key starting point for all types of waste management proposals and consideration of the hierarchy should be set against the wider social, economic and environmental considerations which are relevant in any given case. The 'Nearest Appropriate Installation' concept and the principle of self sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive (rWFD)[8] and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

12.5.5 The waste assessments contained within the CIM Sector Plan will not have to be repeated by local planning authorities at a regional or local level. However, to inform planning decisions it will be important that local planning authorities monitor progress towards the provision of an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed

municipal waste and similar wastes from commercial and industrial sectors as well as private households[9]. For this reason, monitoring arrangements will be established to ensure an up to date position is available to inform decision making. Further detail can be found on the arrangements for monitoring and the provision of waste planning monitoring reports (and supplementary reports where necessary) in TAN 21 Waste.

12.5.6 Natural Resources Wales has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of local development plan preparation, as a consultee on certain planning applications and to assist planning authorities in evaluating complex waste information and making technical judgements, where necessary. Natural Resources Wales will contribute to the development and implementation of the monitoring arrangements outlined in more detail in TAN 21 Waste through the provision of data and expertise.

12.6 Development plans and waste planning

12.6.1 Development plans should demonstrate how national waste policy, and in particular the CIM Sector Plan, along with any updated position adopted in the waste planning monitoring reports and any other form of waste management priorities relevant to its local area have been taken into account.

12.6.2 As part of facilitating the provision of sustainable waste management, the identification of suitable locations for such development should be considered as part of plan preparation, recognising that the most appropriate locations will be those with the least adverse impact on the local population and the environment and with the best potential to contribute to a broad infrastructure framework. Further advice on addressing waste issues through development plans is contained in TAN 21 Waste.

12.6.3 In addition, development plan strategies and policies, including any specific allocations, should seek to secure opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings. Further advice on sustainable design can be found in TAN 12 Design and TAN 21 Waste

12.7 Development Management and waste planning

12.7.1 Decisions on waste management proposals should be determined in accordance with the relevant development plan for an area. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

12.7.2 The benefits which can be derived from proposals for waste management facilities as well as the impact of proposals on the amenity of local people and the natural and built environment must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused. Further advice on general and specific planning principles and detailed planning considerations can be found in TAN 21 Waste.

12.7.3 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers[10]. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure. Information regarding such efforts could be included in Design and Access Statements. Further advice on Sustainable Design is contained in TAN 12 Design and Practice Guidance – Planning for Sustainable Buildings.

12.7.4 Planning authorities, other relevant local authority departments and Natural Resources Wales are expected to work closely together to ensure that conditions attached to planning consents and those attached to Environmental Permits are complementary and do not duplicate one another. However, local planning authorities will need to be satisfied that proposals are capable of effective regulation and Natural Resources Wales should assist in establishing this position. In certain circumstances, where proposals are complex, it will be good practice to encourage the parallel tracking of planning and environmental permitting applications.

12.8 Renewable and Low Carbon Energy

12.8.1 The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020[11]. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies[12]. The Welsh Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.5) whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the Welsh Government's Energy Policy Statement *Energy Wales: A Low Carbon Transition* (2012)[13].

12.8.2 Planning policy at all levels should facilitate delivery of both the ambition set out in Energy Wales: A Low Carbon Transition and UK and European targets on renewable energy. The Renewable Energy Directive[14] contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources, high-efficiency technologies and district heating and cooling in the context of development of industrial or residential areas, and (from 1 January 2012) to ensure that new public buildings, and existing public buildings that are subject to major renovation fulfil an exemplary role in the context of the Directive. The issues

at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in Technical Advice Note 8: Planning for Renewable Energy[15] and Planning for Renewable Energy – A Toolkit for Planners[16]. The Welsh Government will however consider the preparation of further targeted guidance where appropriate.

12.8.3 The delivery mechanisms for most of our energy aspirations are outside the control of the planning system and are therefore not considered here. The consenting process for renewable energy projects in Wales depends on the size and location of the proposed renewable development and these are summarised in Figure 12.2.

Figure 12.1 Current consent bodies for electricity installations

Installation size	Current consent body
<50MW onshore	Local authorities & Welsh Ministers
>50MW onshore	Secretary of State for Energy & Climate Change/ Infrastructure Planning Commission/Appropriate Secretary of State

12.8.4 For the planning system the key area of responsibility is onshore development less than 50MW, although responsibility for approving associated and ancillary consents relating to proposals over 50MW is generally devolved to responsible bodies and organisations in Wales. In addition there may be onshore facilities associated with offshore developments which fall to local planning authorities to determine.

12.8.5 Local planning authorities, particularly those containing Strategic Search Areas (SSAs), should take the Welsh Government's imperative for renewable energy into account when they are consulted on applications for large scale onshore wind power projects considered by the National Infrastructure Directorate within the Planning Inspectorate.

12.8.6 The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development[17].

12.8.7 For the purposes of planning policy, renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear fuel, which are continuously and sustainably available in our environment. This includes wind, water, solar, geothermal energy and plant material (biomass). These sources of energy can be utilised to generate power, heat, fuels (for transport)

and cooling through a range of renewable energy technologies such as solar panels and wind turbines. For the purposes of planning policy, low carbon energy is the term used to cover technologies that are energy efficient (but does not include nuclear). Renewable and low carbon energy developments will feature in many types of situations such as those that:

- are directly incorporated into the fabric of a building;
- are stand-alone directly connected to the grid;
- built within a new development (e.g. development scale combined heat and power);
- provide heat for a number of buildings (e.g. district heating);
- provide a fuel for use in transport; and
- provide cooling.

12.8.8 The Welsh Government is committed to using the planning system to:

- optimise renewable energy generation;
- optimise low carbon energy generation;
- facilitate combined heat and power systems(and combined cooling, heat and power) where feasible; and
- recognise that the benefits of renewable energy are part of the overall commitment to tackle climate change by reducing greenhouse gas emissions as well as increasing energy security.

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production[18].

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

12.8.11 In mitigating the causes of climate change (see 4.12.2) development proposals should, after reducing energy demand, optimise of the use of energy from renewable and low carbon sources. Developers should take into account future requirements for carbon reduction in new buildings as a result of changes to Welsh Building Regulations.

12.8.12 In the short to medium term, wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales) for delivering renewable energy. Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications.

12.8.13 The most appropriate scale at which to identify areas for large scale onshore wind energy development is at an all-Wales level. Technical Advice Note 8: *Planning for Renewable Energy* (2005) identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs). The detailed characteristics of SSAs and the methodology used to define them are outlined in TAN 8 and its Annexes. Development of a limited number of large-scale(over 25MW) wind energy developments in these areas will be required to contribute significantly to the Welsh Government's onshore wind energy aspiration for 2GW in total capacity by 2015/17 (see Figure 12.1); UK and European renewable energy targets; to mitigate climate change and deliver energy security.

12.8.14 An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's aspirations for energy in Wales and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites (see 5.3 and 6.5)[19].

12.8.15 The impacts from renewable energy developments and associated infrastructure will vary depending on their type, location and scale. This requires different policy and development management considerations[20]. For planning purposes the following scales are considered:

Figure 12.2 – Renewable and low carbon energy scales for planning purposes

Scale of development	Threshold (electricity and heat)
Strategic	Over 25MW for onshore wind and over 50MW for all other technologies
Local Authority-wide	Between 5MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

12.8.16 It should be acknowledged that for planning application purposes some types of renewable and low carbon energy technology may form part of an individual installation (i.e. one solar panel or one biomass plant) or combined with other individual installations into a larger proposal (e.g. an array of solar panels or a wind farm).

12.8.17 Strategic scale renewable energy projects of 50MW or over are currently consented by the UK Government advised by the National Infrastructure Directorate within the Planning Inspectorate. Ancillary consents, associated with proposed developments over 50MW continue to be determined within Wales and the Welsh Government expects decisions on ancillary and associated development to be taken in a timely way.

12.8.18 Local planning authorities should facilitate local authority-wide scale renewable energy in development plans by undertaking an assessment of the opportunities and potential for renewable energy in the area. They should also look for opportunities to co-locate major developments in order to optimise renewable energy potential and to promote district heating schemes (see 12.9).

12.8.19 Feed-in Tariffs[21] provide financial support for projects in the sub-local authority scale category by requiring energy suppliers to make regular payments to customers who generate their own electricity. The upper limit of Feed in Tariffs is currently 5MW. There is potential for communities and small businesses to invest in ownership of renewable energy projects or to develop their own projects for local benefit. The Welsh Government's policy is to support community driven renewable energy projects[22] where benefits from the projects are returned to the host community. Local planning authorities should ensure that development plan policies are supportive of projects benefitting from, or eligible for, Feed-in Tariffs.

12.8.20 Most forms of domestic small scale (micro generation) equipment, currently benefit from permitted development rights and usually, do not require planning permission, subject to specific criteria[23] [24].

12.8.21 The marine energy resource off Wales offers a unique opportunity to deliver significant renewable energy generation whilst establishing new markets in Wales. Offshore renewable energy developments over 1MW require consent from the Marine Management Organisation (MMO),

whilst developments over 100MW are considered by the UK Planning Inspectorate[25]. However, in many cases there will be ancillary structures onshore associated with offshore renewable energy generation which will require planning permission and local planning authorities should ensure that decisions relating to these ancillary structures are taken in a timely way.

12.9 Development plans and renewable and low carbon energy

12.9.1 Local planning authorities should plan positively for all forms of renewable and low energy development using up to date and appropriate evidence.

12.9.2 Local planning authorities should guide appropriate renewable and low carbon energy development by undertaking an assessment of the potential of all renewable energy resources and renewable and low carbon energy opportunities within their area and include appropriate policies in development plans. Local planning authorities are encouraged to work collaboratively in order to gather evidence on a sub-regional basis wherever possible[26].

12.9.3 In undertaking such assessments local planning authorities should establish an evidence base which:

- takes into account the contribution that can be made by their local area towards carbon emission reduction and renewable and low carbon energy production;
- recognises that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identifies the accessible deliverable renewable energy resource potential (including heat) for their area and considers the likely utilisation of this resource over the plan period;
- takes into account the environmental, social and economic impacts and opportunities from renewable and low carbon energy development;
- takes into account the cumulative effects of renewable and low carbon energy development;
- takes into account the likely mechanisms for determining applications for sites based on their potential and actual output; and
- takes into account issues associated with grid connection and the transportation network.

12.9.4 At the strategic scale development plans should, where relevant, provide policies to clarify in the SSAs where strategic scale wind energy developments are likely to be permitted, for example by identifying local micro-siting criteria or identifying specific preferred locations. The SSA boundaries have been drawn to allow for some local refinement; however in defining such locations or criteria it will be important to ensure that they do not differ significantly without local evidence from the indicative boundaries of the SSAs set out in TAN 8.

12.9.5 Policies for strategic renewable energy development in areas outside SSAs, if appropriate, should be included in development plans informed by local authority renewable energy assessments.

12.9.6 Other than onshore wind projects, the most likely form of renewable energy installations to be considered through the planning system will be strategic scale biomass projects. The sustainability of the sources of biomass fuel is not a planning consideration.

12.9.7 The potential for the development of renewable and low carbon energy development within urban/industrial brownfield sites remains largely untapped. There may be further opportunities for the development of wind or other renewable energy schemes on urban/industrial brownfield sites.

12.9.8 Local planning authorities should also seek to maximise the opportunities for district heating and generation schemes in their development plan by co-locating new proposals and land allocations with existing developments and heat suppliers and users.

12.9.9 At the sub-local authority scale renewable energy projects are applicable in all parts of Wales and development plans should encourage such development and clearly set out the local criteria against which such proposals will be evaluated.

12.10 Development management and renewable and low carbon energy

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national[27], UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

12.10.2 There may be opportunities to promote Combined Heat and Power (CHP) schemes and the Welsh Government encourages these projects as part of the imperative to reduce carbon emissions.

12.10.3 Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

12.10.4 Local planning authorities should, where relevant, consider the likely impact of proposed renewable and low carbon energy development on existing or other proposed renewable and low carbon energy developments and sources. In such cases they should consider amendments so as to render them acceptable.

12.10.5 The Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97[28].

12.10.6 Local authorities should use planning conditions or obligations (see 3.6 and 3.7) to mitigate impacts, and secure the benefits and opportunities arising from a renewable or low carbon energy development proposal. This may include securing the decommissioning of developments and associated infrastructure and remediation of the site as soon as their use ceases, controlling of transport movements and highway works.

12.11 Telecommunications[29]

12.11.1 The Welsh Government recognises that widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales. It is important that the telecommunications infrastructure in Wales is able to meet this challenge, helping to build a thriving and prosperous Welsh economy. To this end, the Welsh Government is working with the telecommunications industry and the communications regulator Ofcom to share information on communications infrastructure issues, to understand regulatory, planning and economic barriers to investment and to inform future policy making in this area. The Welsh Government has well-established policies for the protection of the countryside and urban areas – in particular the National Parks, AONBs, SSSIs, the Heritage Coast and areas and buildings of architectural or historic importance (see Chapters 5 and 6 for details). Local planning authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas.

12.12 Development plans and telecommunications

12.12.1 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.

12.12.2 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.

12.13 Development management and telecommunications

12.13.1 The installation of many telecommunications systems is covered by permitted development rights[30], which may be subject to the local planning authority's prior approval of details of siting and appearance[31]. Where listed building consent is concerned, all telecommunications development is subject to normal statutory procedures (see Chapter 6).

12.13.2 Where approval of details of planning permission is required the following should, in particular, be taken into account for telecommunications related planning applications:

- the extent to which radio and telecommunications masts can be shared; and
- the need for dishes and other installations to blend with their backgrounds.

12.13.3 The Welsh Government attaches considerable importance to keeping the number of masts, and the number of sites for such installations, to the minimum consistent with the efficient operation of the network. The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Use should also be made of existing buildings and other structures to site new antennas. Siting should, so far as is practicable, minimise the impact on amenity and the external appearance of the building.

12.13.4 With the closure of the analogue mobile phone network, the re-use of existing sites is encouraged so as to minimise the need for new second and third generation base station sites.

12.13.5 Planning permission or approval of details should not be refused on the basis of policies that take insufficient account of the growth and characteristics of modern telecommunications.

12.13.6 Authorities should not question the need for the telecommunications system that the proposed development is to support, nor seek to prevent competition between different operators. The aim should be for the authorities and operators to work together to find optimum solutions to development requirements. The Welsh Government strongly encourages telecommunications operators and local planning authorities to carry out annual discussions about rollout plans for each authority's area. Pre-application discussions should be carried out between operators and local planning authorities on a specific development proposal. Pre-application discussions should also be carried out between operators and other organisations, including residents groups, with an interest in the proposed development.

12.13.7 Where a mast is to be installed on or near a school or college, it is important that operators discuss the proposed development with the relevant body of the school or college concerned before submitting an application for planning permission or prior approval to the local planning authority.

12.13.8 Health considerations can be material considerations in determining applications for planning permission and prior approval as, in principle, can public concerns in relation to such effects. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker to determine what weight to attach to such considerations in any particular case.

12.13.9 With regard to the health implications of proposed development, it is the Welsh Government's view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report)[32] on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. All new base stations are expected to meet the ICNIRP guidelines.

12.13.10 The Stewart Report suggested a number of specific precautionary actions that have been accepted by the Welsh Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Welsh Government's view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

12.13.11 In any development, significant and irremediable radio interference with other electrical equipment of any kind can be a material planning consideration.

Figure 12.3 Infrastructure and Services

Guide to the application of national planning policy statements in LDPs

Locational Considerations

The national policy statements which should inform the development of policies for infrastructure and services can be found in the following paragraphs:

Paragraph	Policy Issue
12.1.8, 12.3.1, 12.4.1	Strategic and long term approach to infrastructure provision, encouragement of sites where provision exists and/or where problems can be solved, and phasing
12.6.2	Identification of suitable locations or sites for waste facilities
12.6.3	Waste management and site allocations
12.8.12-14	Large scale (over 25MW) wind energy developments through Strategic Search Areas (SSAs)
12.9.4	Local refinement of Strategic Search Areas (SSA)
12.8.18 & 12.9.8	Opportunities to co-locate major developments to optimise renewable energy
12.9.2	Guide appropriate renewable and low carbon energy developments
12.12.1	Major telecommunications development (if identifiable in LDP)

Local planning authorities should also have regard to Policy Clarification Letter CL-04-04, which deals with the location of waste facilities on industrial estates[33].

Topic-based policies

The national planning policy statements to be considered for inclusion in topic-based policies can be found in the following paragraphs:

Paragraph	Policy Issue
12.2.1	Promoting efficiency and demand management of water resources
12.6.1-2	Facilitating the implementation of national policy on waste
12.8.15	Scales of renewable energy
12.8.18	Facilitating local authority-wide scale renewable and low carbon energy developments
12.9.4	Acceptable restrictions on wind energy development
12.9.9	Criteria for sub-local authority scale renewable and low carbon energy development
12.12.1-2	Telecommunications development

National development management policies

The following paragraphs contain statements of national development management policy which should not need to be repeated as local policy in LDPs:

Paragraph	Policy Issue
12.1.7	Capacity of existing infrastructure
12.3.1, 12.4.1, 12.4.2, 12.4.3	Water supply and sewerage
12.5.1, 12.5.3, 12.5.4, 12.7.1-2	General principles on suitability of, and location and siting of, waste facilities
12.5.4	Waste Hierarchy; Nearest Appropriate Installation and Self Sufficiency
12.5.2,12.5.5-6	Waste assessment/national waste policy; waste monitoring
12.7.1	Waste management and non-waste developments
12.7.4	Relationship between planning and environmental permitting (waste)
12.8.2	Welsh Government sustainable renewable energy potential
12.8.6-12.8.11	Support for all forms of renewable and low carbon energy development where impacts are avoided and where possible minimised
12.8.13-14	Strategic Search Areas
12.8.14	Facilitation of additional grid network infrastructure
12.8.14	Large scale renewable energy development in internationally or nationally designated areas
12.8.15	Scales of renewable and low carbon energy development
12.10.1	Development management for renewable and low carbon energy development
12.10.1	Environmental, social and economic benefits
12.10.1	Impact on the natural heritage, coast and the historic environment
12.10.1	Impacts of climate change
12.13.2, 12.13.3	Telecoms mast and site sharing, re-use of existing sites
12.13.2	Siting of telecoms equipment
12.13.5	Taking account of modern telecoms
12.13.6	Need for proposed telecoms system
12.13.11	Radio interference

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

Guidance on health considerations relating to telecoms development is contained in paragraphs 12.13.8-10. Local planning authorities should not implement their own precautionary policies.

References

[1] EC Water Framework Directive (2000/60/EC) is implemented in river basin districts within England and Wales through the Water Environment (*Water Framework Directive) (England and Wales*) Regulations 2003 (SI2003/3242)

[2] *Technical Advice Note 12, 'Design'*, Welsh Government 2014

[3] *Private sewers and lateral drains were transferred to the sewerage undertakers (water companies) on 1 October 2011. Following this, a new process was introduced from 1 October 2012 for all new connections to the public sewer system*.

[4] *Welsh Office Circular 10/99, 'Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development'*

[5] *Technical Advice Note 15, 'Development and Flood Risk'*, 2004 provides further advice on sustainable drainage systems

[6] *Towards Zero Waste – One Wales: One Planet*, Welsh Assembly Government 2010

[7] *Collections, Infrastructure and Markets Sector Plan*, Welsh Government 2012

[8] *Directive 2008/98/EC* of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. Wastes covered by Article 16 are mixed municipal wastes and include those mixed wastes collected by third parties from commercial and industrial sectors as well as private households.

[9] *Directive 2008/98/EC* of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, Article 16(1)

[10] A Site Waste Management Plan (SWMP) is a plan to help clients, developers and contractors in the construction and demolition sector think before the start of a project about the waste that will be produced, how to reduce the waste and plan to sustainably manage waste that does arise.

[11] *Directive 2009/28/EC* of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

[12] UK Renewable Energy Roadmap: 2013 update, Department of Energy and Climate Change, 2013

[13] *'Energy Wales: A Low Carbon Transition'*, Welsh Government, 2012

[14] See articles 13.5 and 14.5 of the *Directive 2009/28/EC* of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable resources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

[15] *'Technical Advice Note 8 – Planning For Renewable Energy'*, Welsh Assembly Government 2005

[16] *'Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners'*, Welsh Assembly Government 2010

[17] *'Capturing the Potential: A Green Jobs Strategy for Wales'*, Welsh Assembly Government, 2009

[18] *Directive 2009/28/EC* of the European parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC

[19] *'Technical Advice Note 5 – Nature Conservation and Planning'*, Welsh Assembly Government, 2009

[20] Advice is provided in *'Technical Advice Note 8 – Planning for Renewable Energy'*, Welsh Assembly Government 2005, supplemented by the *'Practice Guidance – Planning Implications of Renewable and Low Carbon Energy Development'*, Welsh Assembly Government 2010

[21] *Feed-in Tariff* (Clean Energy Cashback Scheme)

[22] *Ynni'r Fro* (Community Scale Renewable Energy Generation)

[23] *The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012, SI 2012/1346*

[24] *Generating Your Own Renewable Energy: Homes*, Welsh Government 2012

[25] *The Marine and Coastal Access Act 2009*

[26] *'Practice Guidance: Planning for Renewable and Low Carbon Energy – A Toolkit for Planners'*, Welsh Assembly Government, 2010

[27] *Energy Wales: A Low Carbon Transition*, Welsh Government 2012

[28] *Welsh Office Circular 13/97; Planning Obligations*

[29] *Technical Advice Note 19, 'Telecommunications'*, Welsh Assembly Government 2002

[30] *'A Householder's Planning Guide to the Installation of Antennas, including Satellite Dishes'*, Welsh Assembly Government, 2008

[31] *Code of Best Practice on Mobile Phone Network Development*, Welsh Assembly Government 2003

[32] *The Stewart Report* can be found on the IEGMP website

[33] *Policy Clarification Letter CL-04-04 – Unitary Development Plans: Waste Policies Hazardous Waste Planning Applications*, Welsh Assembly Government 2004