

Introduction

- 10.1 The quality of life of those who live or work in Mid Sussex, or who regularly visit the District, depends to a great extent on the provision of community facilities and public services appropriate to their needs.
- 10.2 The Council is committed to retaining and encouraging the improvement of existing community facilities wherever possible. It is concerned that this provision keeps pace with increasing demand and, subject to other planning considerations and financial constraints, supports the development of new, accessible community facilities in appropriate locations. Within new residential estates the Council considers local community facilities to be an important amenity. In many cases existing community buildings and facilities are extensively used. Where there is scope for increased use, such as use of school facilities in the evenings and holidays, this will be encouraged by the Council, subject to consideration of the effect on neighbouring properties.
- 10.3 Leisure and recreation facilities overlap considerably and in many cases community uses, such as youth work, will require sports grounds or other open space. Issues relating to open space, playing fields and other recreation facilities are dealt with in the Recreation and Tourism Chapter. Local shops and post offices which are also recognised as providing a valuable community service are the subject of policy guidance set out in the Shopping Chapter.
- 10.4 The Council is also concerned that the provision of services such as water, gas, electricity, sewerage and telecommunications keeps pace with new development and that the infrastructure required to service new development is in place by the appropriate time.
- 10.5 Within this chapter the provision of public services and the protection of natural resources are considered, although provision for the emergency services, courts, library services and places of worship are not specifically mentioned. However any proposals regarding these or similar issues would be considered in the light of other relevant policies in the Local Plan. A number of policies in the Countryside, Built Environment and Transport chapters in particular are relevant to the issues considered in this Chapter.
- 10.6 Policies relating to the provision of services by, and the needs of, the largely privatised public utilities and agencies are included in this Chapter. Also set out are policies relating to recycling, renewable energy, derelict land, pollution and hazardous substances and installations. Energy conservation in terms of new development is dealt with in the Built Environment Chapter.

Policy Background

- 10.7 Government guidance regarding issues relating to community facilities and services and the protection of resources is contained in a number of the recent Planning Policy Guidance Notes (PPGs). PPG12 (Development Plans) sets out in general the required contents of Structure and Local Plans. It states that "The capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all development plans." Paragraph 6.14 refers to infrastructure as including "services like education and health and other community facilities as well as transport facilities, water supply and sewers."
- 10.8 Guidance in PPG13 (Transport) seeks to reduce the need to travel and states (in paragraph 19) that a key planning objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.

Development plans should give particular emphasis to locating such developments to ensure they will offer access by a range of transport modes and not just by car.

- 10.9 Relating to issues also included in this chapter the guidance in PPG8 (Telecommunications) recognises that modern telecommunications are now an essential and beneficial service both within the local community and nationally. The guidance, in conjunction with the Code of Best practice on Mobile Phone Network Development (2002), reflects the Government's general policy to facilitate the growth of new and existing systems, bearing in mind the wider environmental benefits of using telecommunications to reduce the need for journeys, whilst maintaining its commitment to environmental objectives. PPG14 (Development on Unstable Land) sets out guidance for making the most effective use of land which is unstable or potentially unstable. PPG22 (Renewable Energy) includes advice which seeks to balance the Government's policies for developing renewable energy sources with its continuing commitment to protect the environment. PPG23 (Planning and Pollution Control) sets out advice on the separate but complementary planning and pollution control systems. It aims to encourage close consultation and prevent unnecessary duplication and conflicts of interest between the two systems. PPG25 (Development and Flood Risk), published in July 2001, sets out how local planning authorities should consider flood risk at all stages of the planning and development process.
- 10.10 Under the Environment Act 1995 the functions of the National Rivers Authority, the Waste Regulation Authority (in this area West Sussex County Council) and Her Majesty's Inspectorate of Pollution were transferred to the Environment Agency. The responsibilities of the Agency include pollution control, waste management, flood warning and defence, management of water resources and fisheries, and ensuring the enhancement of the conservation of the water environment. The Agency will have an important enforcement/advisory role on these matters and also in respect of contaminated land. Through the Act the Government has set up the framework for securing an increase in the reuse, recovery or recycling of products or materials. The Act also places new duties upon local authorities with regard to the management of air quality in their areas, requiring them to carry out reviews of air quality and assessments of whether air quality standards or objectives are being met.
- 10.11 No specific community services and resources section is contained within the West Sussex Structure Plan Deposit Draft 2001 - 2016, however, relevant policies are contained within various chapters, in particular the Needs Chapter and the Environment, Resources and Assets Chapter.

Policy Aims

- 10.12 The policy aims of the Local Plan with respect to community services and resources are:
- (a) to seek the retention and encourage the improvement of existing community facilities and public services;
 - (b) to ensure the appropriate provision of land and/or facilities for community purposes in major new residential development;
 - (c) to make provision for additional community facilities to meet future needs;
 - (d) to encourage the dual use of educational facilities;
 - (e) to ensure that the infrastructure required to adequately serve development is available at the appropriate time;

- (f) to protect existing water resources and to encourage a reduction in the pollution of land, air and water;
- (g) to safeguard the land drainage system and where possible minimise the risk of flooding;
- (h) to promote recycling and encourage the provision of recycling facilities; and
- (i) to encourage the production of energy using renewable sources.

Education

- 10.13 As the Local Education Authority West Sussex County Council has the statutory responsibility to assess and make provision for education within the County. Within the District there is a combination of Local Education Authority maintained schools and private schools.
- 10.14 Major housing development recently completed in Burgess Hill and proposed in Haywards Heath has resulted in a need for additional primary school facilities. Sites have been reserved on land at Hammonds Ridge in Burgess Hill and to the south west of Haywards Heath. In addition the future need for an additional secondary school in Burgess Hill has been identified by the County Council and a site, adjacent to Jane Murray Way, is allocated. St Paul's Roman Catholic School, currently located in Haywards Heath, will relocate to this site for the start of the 2004/05 school year. Lindfield County Junior School has relocated to the site of Lindfield County Infants School at Beckworth to form a new two form entry primary school. Specific proposals regarding new or extended school facilities are contained within the relevant area Chapters of the Local Plan.

CS1 New educational facilities will be permitted within the built-up area; or, in exceptional circumstances, on sites adjacent to the built-up area, subject to environmental considerations.

New educational facilities serving a local catchment should be safely accessible by public transport, foot and bicycle.

Dual Use

- 10.15 Schools and other educational establishments can provide a valuable contribution towards the community, leisure and recreational facilities in an area. The Council supports the principle of 'dual use' of existing educational facilities wherever possible and appropriate; these facilities could include sports halls, playing fields and swimming pools. Regarding new educational developments the Council will seek to ensure that the Local Education Authority and private bodies make provision for community use in designing new facilities.

CS2 New educational facilities and extensions should be designed to enable their dual use for community purposes.

Reuse of Educational Land and Facilities

- 10.16 Within the built-up areas, the Local Planning Authority will permit the development or change of use of land and/or buildings used by educational institutions to community or recreational uses. Where an educational institution plans to relocate in the local area, or where it is established that an educational institution is no longer viable in its existing form, proposals for the change of use or development of land and/or buildings used by the institution within the built-up area other than for community or recreational purposes will be permitted, subject to other Local Plan policies. Proposals for the change of use or redevelopment of educational land and buildings outside the built-up area will also be considered against the provisions of Policy C14.

CS3 Proposals for the change of use or redevelopment of land and/or buildings used for the provision of educational facilities to uses for community purposes or recreation will be permitted subject to other Local Plan policies. Proposals for the change of use or redevelopment of land and/or buildings used for the provision of educational facilities other than for community or recreational use will be permitted subject to other Local Plan policies, and provided that:

- a) the educational institution is relocating to similar or improved facilities within the locality, or**
- b) it is established that the educational institution is no longer viable in its existing form.**

Pre-school Education Facilities

- 10.17 The Council recognises that there is a growing demand for child care and pre-school educational facilities such as child minding, crèches, play schools and nurseries. This reflects the increasing importance being placed on pre-school education and also the requirement for child care by working parents.
- 10.18 Whilst the Council wishes to support the provision of pre-school education it is concerned that such facilities, often located in residential areas, should not have a detrimental impact on the amenity of local residents particularly through noise and traffic generation. Where proposals for such use are within an existing residential dwelling consideration should be given to the provision of outside play space and the disturbance likely to be caused to immediate neighbours. Delivering and collecting children frequently involves car journeys; adequate off-street parking spaces should be available, preferably with a separate entrance and exit allowing for a through flow, so that a nuisance is not caused to neighbours in terms of loss of on-street parking and resulting congestion. The predominant use of the property as a residential dwelling should also be retained. Where non-residential buildings, not already in community use, are proposed the suitability of the premises in terms of access, parking and noise should be considered. The loss of other uses should be considered in terms of relevant policy guidance in this Local Plan (see The Economy and Shopping Chapters).

CS4 Proposals for child care and pre-school educational facilities will be permitted in residential dwellings only where:

- (a) adequate parking and access is available;
- (b) private open space is available;
- (c) there is no detrimental impact on the amenity of the neighbours through excessive noise or traffic generation;
- (d) the location is easily accessible by foot and public transport;
and
- (e) the childcare activities are subsidiary to the use of the property as a private residence.

Health Services

- 10.19 Mid Sussex District (in terms of the Local Authority area) comes within the West Sussex Health Authority formed in April 1995; this in turn is part of the South Thames Regional Health Authority. The Health Authority purchases health services from various NHS Trusts and other providers. Medical practitioners also come under the auspices of the West Sussex Health Authority. Within Mid Sussex the provision of health services is primarily the responsibility of two Trusts: the Mid Sussex NHS Trust (The Princess Royal Hospital) in Haywards Heath, which currently includes Hurstwood Park Neurological Centre and the Queen Victoria Hospital NHS Trust in East Grinstead. As part of the Government's reforms of the NHS the Mid Sussex Primary Care Trust was established and became operational in April 2001. The Trust is responsible for improving health, developing primary care and community services and ensuring that the health services people need are provided in the District.
- 10.20 In recent years several hospitals within the District have closed. Cuckfield Hospital has been redeveloped for a mixture of residential and office purposes, St. Francis Hospital has been redeveloped for residential purposes and Haywards Heath Hospital has been redeveloped to provide residential health care. The need to provide additional health care facilities in the future will be assessed in conjunction with new residential development proposals and considered against Policy CS8.

Medical Practitioners

- 10.21 Medical practitioners, including doctors, dentists and therapists, are frequently located within converted residential dwellings. Where a proposal for change of use from residential to a medical use does not conflict with other policies in the Local Plan such a proposal may be acceptable. The Council would need to be satisfied that the residential amenity of the area would not suffer due to increased activity, traffic generation and parking demands, and adequate parking would be required. Subject to the policies in the Shopping Chapter medical uses may also be appropriately located within town centres adding to the diversification and vitality of the area.

CS5 Proposals for the change of use of existing dwelling houses to use by a medical practitioner will be permitted where:

- (a) adequate parking is available;
- (b) there is no unacceptable impact on the amenity of the immediate area through excessive traffic generation and increased activity;
- (c) the location is easily accessible by foot and public transport; and
- (d) the proposal does not conflict with the relevant housing policies (particularly H6) or shopping policies.

Community Facilities

- 10.22 The Council recognises the importance of health, social service and other community facilities to serve the residents of the District. The Council supports the maximum use of existing facilities and is keen to encourage their retention by resisting proposals for alternative use or redevelopment which would result in their loss to the community.
- 10.23 The value of local shops, village halls and public houses, is also recognised, particularly where these serve the local community. The Council will generally resist their loss and subsequent redevelopment. Public houses fall within Class A3 food and drink use and could be used as restaurants or other such uses without the need for planning permission. However, where there are proposals for alternative forms of development or a change of use Class, the Council will seek to protect the facility unless it can be shown to be no longer viable. Policy CS7, which seeks to control the loss of public houses, will be applied particularly rigorously where there is only one public house remaining within a small settlement. Changes of use to another community facility, a residential use or a mixed use which includes the public house function will be supported. The loss of individual shops is considered in the Shopping Chapter of this Local Plan.
- 10.24 The Council also supports the provision of new, extended or improved community facilities where appropriate. It is important for new buildings to be flexible in design in order to accommodate a variety of needs and all should provide access and facilities for disabled users. New community facilities should normally be located within the built-up area. However, within the smaller settlements and villages there may be exceptional circumstances where facilities essential to the needs of the local communities cannot be accommodated within the built-up area. Such proposals would be sensitively considered in relation to other appropriate policies regarding development in the countryside. (See Policy C1 in the Countryside Chapter of this Local Plan).

CS6 Proposals for the change of use or redevelopment of health, social service, library or other community facilities will only be permitted where the community use is relocating, or improved facilities are to be provided in the locality.

CS7 Proposals for a change of use or redevelopment which would result in the loss of a public house will not be permitted other than in exceptional circumstances where a change of use to another community use or residential use will be permitted provided that:

- (a) it can be shown that the existing use is no longer viable; and
- (b) the proposal would not have an unacceptable impact on the amenity of the area.

Proposals for the retention of public houses which include proposals for a mixed use, combining the public house function with that of a shop, post office, bed and breakfast or self-catering facility, will be supported.

CS8 Within the built-up area boundary proposals to develop, extend or improve education, health, social service, library and other community facilities will be permitted where:

- (a) there is no unacceptable impact on the residential amenity of nearby properties;
- (b) any new building or extension is in character with the surrounding area;
- (c) the location is easily accessible by foot, bicycle and public transport; and
- (d) adequate parking, including provision for the disabled, is provided.

10.25 As part of large residential proposals the Local Planning Authority will seek the provision of land for community facilities from the developer. These may include local shops, a community hall and possibly a school. Specific policies regarding required community facilities are included in the housing proposals in the relevant area sections. In some cases, residential development may generate a need for improvements or extensions to existing facilities and financial contributions may be sought.

CS9 Where residential developments create a need for new community facilities, the provision of such facilities, or a contribution towards their provision, will be sought from the developers before planning permission is granted.

Allotments

10.26 Allotments are located on District, Town, Parish, Parochial Church Council and privately owned land throughout the District. These are mostly administered by Parish Councils although often managed by voluntary bodies. The existing provision is considered to be adequate, although demand varies slightly across the District and over time. The Council considers that the existing allotments provide a valuable facility contributing to the 'greening' and quality of residential environments and will therefore resist their development for alternative uses other than in exceptional circumstances.

CS10 Proposals which would result in the loss of existing allotments will not be permitted.

Cemeteries and Church Yards

- 10.27 Within the District most of the cemeteries which are still in use are run by Town and Parish Councils. Church yards which are still in use come under the auspices of the church. Once full church yards can be declared 'closed' by the Department of the Environment, Transport and the Regions, it is then the District Council's responsibility to maintain them. The adequacy of burial ground provision during the Plan period will vary in different parts of the District and where localised deficiencies have been identified these are considered in the town or village chapters of the Local Plan.

Utilities

- 10.28 In order to enable any new development, particularly major development, to take place the appropriate infrastructure will be necessary. In most cases this will include roads, utilities such as water and power supplies, sewerage and land drainage, and community services to meet the social, educational and medical needs of the potential users of the development. (See also policy G3 in the Plan Strategy Chapter).
- 10.29 In order to avoid the problems which are likely to arise if development takes place before the adequate infrastructure is available to serve it, the Local Planning Authority will consider either requiring the infrastructure to be in place before development is allowed to start or phasing the provision of infrastructure with the development. The developer will be required to provide the necessary infrastructure themselves or to make a contribution towards any capital works.

CS11 Developments which create a need for new or improved infrastructure will not be permitted unless such infrastructure is provided, or a contribution is made towards its provision, by the developer. The commencement of the development will be required to be co-ordinated with the provision of the necessary infrastructure.

Water Supplies

- 10.30 South East Water is responsible for the supply of water throughout most of Mid Sussex and Southern Water Services is responsible for water supply to a small area in the southern part of the District. Although water supplies are currently sufficient to meet existing demands, developers are advised to contact the appropriate water company as soon as possible to ensure that an adequate water supply can be provided to meet the increased demand. Developers will be required to fund the off-site costs of supplying new development. Developers should also provide fire hydrants and an adequate water supply for fire fighting in new developments.

Wastewater Treatment and Foul Sewerage

- 10.31 The Water Act 1989 gave responsibility for sewerage to Statutory Sewerage Undertakers (the privatised Water Companies). Within Mid Sussex these comprise of Southern Water Services and Thames Water Utilities who are responsible for wastewater treatment and public sewerage. In addition the Environmental Agency has powers and/or duties with regard to wastewater (sewage) treatment.

Wastewater Treatment

- 10.32 Wastewater (sewage) treatment works are located at various sites throughout the District and these are continually monitored by the sewerage undertakers and the Environment Agency. The Local Plan will include allocations for residential and employment development in the District. It is the Local Planning Authority's intention that foul sewage from all new development should be connected to the public sewerage system. In accordance with DETR Circular 03/99 other options can only be considered if it can be clearly demonstrated by the developer that disposal to the public foul sewer is not feasible taking into account cost and/or practicability.
- 10.33 In general, waste water treatment required for new developments that accord with Local Plans will be provided by Southern Water Services to a reasonable programme. Where it is not physically possible to provide additional capacity as soon as developers might wish, occupancy of a new development may need to be restricted by the District Council. Where large development areas are being considered, it is essential that a technical consultation is carried out with Southern Water Services to enable a full assessment to be made for the provision of additional process plant and works capacity if required.

Public Sewerage

- 10.34 In cases where public sewers or sewer capacity are not available to serve new development sites, developers will be expected to requisition or otherwise fund new sewers either to connect to the sewerage system or connect to a point on the sewerage system where capacity exists, so that new occupiers are provided with a satisfactory level of service. The sewer requisition procedures are set out in the Water Industry Act 1991. This requirement will depend upon individual circumstances and developers are advised to consult Southern Water Services or Thames Water Utilities at an early stage.
- 10.35 Where public sewers cross development sites, these will need to be retained in or diverted into adoptable highways to ensure that sewers are accessible for maintenance and accessible by others for the purpose of making connections.
- 10.36 Where basements are converted to habitable rooms or new properties are built with basements, reference should be made to Southern Water Services to ensure that these can be adequately drained where necessary. Implications of possible high groundwater levels should also be taken into account as these could lead to the flooding of basements.

CS12 Development will only be permitted where the Local Planning Authority, in consultation with the Environment Agency and the statutory water and sewerage undertakers, is satisfied that:

- (a) adequate water resources and infrastructure are available;**
- (b) provision has been made for adequate waste water treatment;**
and
- (c) adequate sewerage capacity is available.**

Land Drainage

10.37 The Environment Agency has powers with respect to flood defence, land drainage and for the policing and protection of the quality of the water environment. This includes responsibility for flood defence, land drainage, pollution control, environmental quality, water resources, conservation and recreation. New development can increase surface water runoff as impermeable surfaces such as roofs, roads and car parking areas replace more porous surfaces such as grass. The Environment Agency has advised that the cumulative impact of increased runoff can lead to a greater risk of flooding, ecological damage and pollution. Where existing watercourses are considered to be inadequate to accommodate the increased surface water run-off resulting from new development, developers will be required to control the run-off from the developed site or, where possible, and subject to their being no detriment to the natural water habitat, provide improvements to the watercourses. Government Guidance in PPG25 'Development and Flood Risk' recognises the need for effective management of surface water in flood prevention, including the use of sustainable drainage systems (SUDS). The approval of SUDS in new development will be subject to appropriate location; standards for design; maintenance; and legal responsibility to the satisfaction of the Local Planning Authority, as advised by the Environment Agency. Guidelines for such standards are the subject of national multi-agency discussions, and any approval of SUDS systems will be consistent with these guidelines, when available. Any new development will be expected to comply with the requirements of the Environment Agency with regard to its impact on the overall water environment.

CS13 Planning permission will not be granted for development unless the Local Planning Authority, in consultation with the Environment Agency, is satisfied that the site can be adequately drained. Developers will be required, where necessary, to provide facilities to control the rate of surface water run-off from development sites or, subject to there being no detriment to the natural habitat, carry out improvements to the receiving watercourses. Proposals for the design and long term maintenance of any engineering works (eg balancing ponds) must be submitted to and approved by the Local Planning Authority.

10.38 Development, including land raising, will be resisted within areas known to be at risk from flooding, such as river floodplains. As recommended in PPG25- Development and Flood Risk (2001)- areas within the District which are considered by the Environmental Agency to be at risk of flooding are shown on the Proposals Map. It should be noted that these maps show approximate extent of floodplain associated with larger rivers and streams and do not include smaller watercourses which may also be at risk of flooding. In addition to the risk of flooding to the proposed development itself, development in such locations may increase the risk of flooding elsewhere by reducing the storage capacity of the floodplain and/or impeding the flow of flood water. It is also important to ensure that development, and landscaping, does not interfere with the effectiveness of river defences or channels.

CS14 Planning permission will not be granted for development which would be detrimental to the protection of river defences or river channels or would impede access to and along these for future maintenance and improvement.

CS15 Planning permission will not be granted for development (including redevelopment and intensification of existing development) in areas at risk of flooding or for land raising within river floodplains unless environmentally acceptable flood mitigation measures to protect the floodplain can be provided by the developer to compensate for the impact of the development. Where insufficient information is available regarding suspected flood risks, the developer will be required to carry out a detailed technical investigation to evaluate the extent of the risk.

Water Quality

10.39 The Environment Agency seeks to ensure that development does not threaten the quality of underground and surface waters and encourages initiatives that result in an improvement in surface water quality. Development which disturbs contaminated land is of particular concern and preventative measures to ensure that contamination does not result would be required. The retention of natural river corridors, the protection and enhancement of the conservation of the natural water environment and, where appropriate, recreation will be promoted through the planning process, including the use of wet ponds/lakes for the control of surface water run-off from new development.

CS16 Development will not be permitted which would:

- (i) have an adverse impact on the nature conservation or recreational value of rivers or other water features;
- (ii) lead to the deterioration in the quality of underground and surface waters;
- (iii) lead to a reduction in ground water levels; or
- (iv) lead to reduced flows in water courses.

Initiatives which seek to restore, conserve, or enhance the water environment and improve the water quality will be promoted and supported.

Pylons and Overhead Lines

10.40 Pylons and overhead lines can, either individually or cumulatively, substantially impact upon an attractive landscape. However, their impact can be reduced to some degree by using natural features such as tree lines to conceal their presence. The statutory authorities are required to consult the Local Planning Authority about most proposals for new and replacement lines; such proposals will be considered in terms of their environmental impact and the scope for rationalisation of lines. Pylons and overhead power lines should, where possible, be sited away from sensitive locations of landscape and townscape importance. Any proposals that require planning permission will be subject to rigorous examination in order to mitigate any potential negative impact on amenity. In relation to major new development the Local Planning Authority will require lines to be laid underground wherever practicable.

Telecommunications

- 10.41 PPG8 (Telecommunications - 2001) and the Code of Best Practice on Mobile Phone Network Development (2002) are the principle sources of Government guidance on telecommunications developments. The guidance supports the need for modern communication development whilst also highlighting some of the conflicts with the environment and amenity. It sets out the benefits of modern telecommunications to the local and national economy and the growing demand for improved services. The guidance also clearly states the need to protect the best and most sensitive environments and to minimise the impact of telecommunications development. Early consultation between Local Planning Authorities and telecommunication operators is encouraged. The Council keeps and updates a register of all known telecommunications developments. The register is available to operators and members of the public.
- 10.42 Mobile phone coverage by the main operators is now up to 98% of the UK. The Council appreciates the important contribution of telecommunications and will participate in consultations with telecommunications operators to establish the local requirements for sites, types and sizes of equipment and the potential for site and mast sharing, which will allow the technology to operate and develop efficiently and safely. The Council is, however, concerned about the visual intrusion and impact caused by equipment, such as overhead lines, masts, junction boxes and the new microcell 'lamp post' style masts and will adopt a more rigorous approach in order to minimise the impact and intrusiveness of such development. The Council is concerned that under Permitted Development Rights additional antennae may be attached to masts so worsening the appearance and impact of the apparatus. Where this proliferation is of particular concern the Local Planning Authority may impose planning conditions in order to restrict any attachments to the permitted apparatus. It is a requirement of the Code Systems Operators Licence that all equipment is removed once it is no longer in use.
- 10.43 In new housing developments the Council will expect, where possible, that telecommunications cables are laid underground. In existing developments the Council will seek the co-operation of telecommunication cable laying companies to ensure that works are carried out in a satisfactory manner, that street trees are fully protected and surfaces reinstated to match the surrounding area. Consideration does however need to be given to minimising the impact of future maintenance.
- 10.44 Under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) telecommunication code systems operators are in some circumstances able to carry out certain forms of development relating to the installation, alteration or replacement of telecommunications apparatus, on private land, in accordance with the operator's licence without requiring planning permission. Generally the Local Planning Authority will not seek to restrict the permitted development rights for minor telecommunications development. Any development which affects the character or appearance of a Listed Building will require Listed Building Consent. (See policies in the Built Environment Chapter; in particular Policy B25 which deals with the installation of satellite dishes and antennae).
- 10.45 Growing concerns over the potential health risks associated with mobile phone masts has prompted the Government to set up an independent study into the use of this technology. The resulting Stewart Report (May 2000) concludes that 'the balance of evidence does not suggest that mobile phone technologies are a risk to health', although it acknowledges that there are 'gaps in scientific knowledge' and considers that there is an urgent need for further research. A precautionary approach to the use of mobile phone technologies was advised. The Government's acceptance of this precautionary approach (as set out in

PPG8 2001) is limited to specific recommendations.

These include:

- (i) the emissions from mobile phones base stations to meet the ICNIRP guidelines for public exposure, with clear exclusion zones around base stations;
- (ii) a national database be set up by Government giving details of all base stations and their emissions;
- (iii) an independent audit of emissions to be established;
- (iv) in relation to macrocell base stations, the beam of greatest intensity should not fall on any part of a school grounds or buildings without agreement from the school and parents; and
- (v) further research to be undertaken and reviewed.

In an answer to a Parliamentary Question (March 2001) the Planning Minister, Nick Raynsford stated that, "it remains the Government's view that the planning system is not the appropriate mechanism for determining health safeguards. In the Government's view, if a proposed development meets the ICNIRP guidelines it should not be necessary for a local planning authority, in processing an application, to consider health aspects further."

CS17 The development of telecommunications equipment associated with the code system operators' networks will be permitted provided that the following criteria are met:

- (a) the siting, design and colour of equipment is such that the visual impact on the landscape and townscape and on the amenity of the locality is minimised;
- (b) existing buildings or other suitable structures are used to accommodate equipment, and for mounting antennae, where practicable;
- (c) site and/or mast sharing is used where practicable;
- (d) necessary operating heights and sizes for masts, antennae and other equipment are minimized;
- (e) landscaping and screening are carried out where necessary;
- (f) the applicant has demonstrated to the local planning authority that all technically feasible alternatives have been explored and that the application proposal results in the least harm; and
- (g) the development will not be unduly detrimental to the appearance of the locality, particularly in sensitive locations of landscape and townscape importance such as Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Sites of Nature Conservation Importance, Conservation Areas and the setting of listed buildings.

Waste Disposal and Recycling

- 10.46 West Sussex County Council is currently responsible for waste planning, waste regulation and the disposal of collected household waste. The County Council's waste strategy is set out within the Waste Local Plan (Deposit Draft February 2003), the Waste Management Strategy and the Structure Plan.
- 10.47 In line with Government advice to minimise the amount of waste produced and in order to meet the Government's target to recycle half of the Country's recyclable household waste by the end of year 2005 (this is equivalent to 25% of all household waste) the District Council operates a kerbside collection for mixed cans, plastics and paper. Within the District the County Council has public recycling centres at London Road, Burgess Hill and Imberhorne Lane, East Grinstead. These take a very wide range of used materials including car batteries, cardboard, household appliances, furniture, metal, newspapers, textiles and used lubrication oils. Extensions to these civic amenity sites and possible additional sites may be required to serve the needs of the District; in addition sites for recovery/transfer, composting and waste to energy facilities will need to be carefully investigated and considered. These will be the subject of the West Sussex Waste Local Plan. Locally, the District Council provides recycling facilities for textiles, cans, paper and glass throughout Mid Sussex. The Council will continue to promote the recycling of waste materials and encourage the development of recycling facilities.

CS18 The inclusion of a suitable area for recycling facilities will be sought within all major new retail, industrial, commercial and residential developments. These facilities should be located safely and conveniently and should not result in a detrimental impact to residential amenity.

Renewable Energy

- 10.48 Renewable energy refers to the sources of energy which occur naturally in the environment - the sun, wind and water, as well as plant material and combustible or digestible industrial, agricultural or domestic waste materials. Government policy, as set out in PPG22: Renewable Energy, is to stimulate the development and use of renewable energy sources wherever they have prospects of being economically viable and environmentally acceptable. The Government's White Paper on energy, 'Our Energy Future – Creating a Low Carbon Economy' and the Regional 'Harnessing the Elements' strategy document linked to Regional Planning Guidance (RPG9) were published in 2003. Both of these documents make it clear that the use of sustainable energy must increase in order to assist in reducing the consequences of global climate change. Renewable energy sources can help to reduce harmful greenhouse gas emissions and alleviate the problems associated with waste treatment and disposal. No form of energy is without environmental implications and every effort should be made to ameliorate any adverse effects. Renewable energy resources can usually only be developed where they occur naturally. In Mid Sussex the most viable potential for renewable energy lies with the re-use of waste materials, although some wind and solar power may also be possible. The Local Planning Authority must decide at an early stage whether, for a particular proposal, an Environmental Assessment is required as set out in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. Even where an Environmental Assessment is not required the proposal should not conflict with Policy CS19 and other appropriate policies in this Local Plan. Where the environmental impact

of the proposal is uncertain it may be that the Local Planning Authority will consider granting temporary planning permission only in order to be able to assess the local effects before considering permanent permission.

CS19 Development of renewable energy sources will be supported where it is considered that these will not have a significant detrimental impact on the environment. Consideration of the wider environmental benefits will be balanced against any likely local effects on the environment, particularly in sensitive locations such as AONBs, SSSIs and SNCIs.

Derelict and Contaminated Land

- 10.49 Government guidance expressed in various PPGs encourages local authorities to promote the development of underused, vacant or derelict urban sites in preference to greenfield sites. It offers a sustainable approach to redevelopment and a means of regenerating specific areas. It also has the potential for delivering significant environmental benefits.
- 10.50 It is likely that some derelict sites are contaminated due to their previous industrial, landfill or other use. In considering the potential for developing such sites account must be taken of the possible threats to health, safety and the environment. PPG23 contains the caution that disturbance of contaminated land may put at risk both those working on the development of the site and those later using it. Contaminants may also escape from the site to cause air and water pollution and the pollution of nearby land, the emission of landfill gas may be particularly hazardous. A new statutory regime for the identification and remediation of contaminated land came into force on 1st April 2000 which requires local authorities to compile a public register of contaminated land, together with a strategy for dealing with contamination. This helps clarify the extent and nature of contamination within the District, thus providing potential developers of brownfield sites with a degree of certainty as to the nature of remedial works required.
- 10.51 Where a site is suspected or known to be contaminated this should be fully investigated. The Council will require the developer to carry out a detailed investigation and to state what remedial measures would be required before the application is determined. If there is thought to be a slight chance that a site is contaminated the Council may grant planning permission which is conditional upon the developer firstly carrying out an investigation and assessment and, secondly, carrying out remedial measures.

CS20 Where proposals for the development of previously used sites involves land which may be contaminated an investigation and assessment of the site will be required to form part of the planning application. The use of a planning condition may be imposed to ensure the implementation of any remedial works necessary. Planning permission will only be granted where the Local Planning Authority, in consultation with the appropriate agencies, considers that the proposal will not have any unacceptable effects in terms of the environment or human health.

Development on Unstable Land

- 10.52 In line with the Government's sustainable approach to making full and effective use of

land, sites which have been damaged by industrial activities or which are naturally unstable can often be put into productive use. Problems may arise, however, unless stabilisation measures are undertaken prior to developing unstable or potentially unstable land. In some cases development will be refused because the instability of the land is so great that it poses an unacceptable risk. The stability of the ground is, therefore, a material consideration to be taken into account when determining a planning application. Consequently, a slope stability report will be required by the Council before determining any application on a site that slopes 16 degrees or more, or 12 degrees or more in the case of clay subsoil. The report should take account of ancient landslides, geological faultlines, water courses/ditches and natural ground water routes.

- 10.53 However, the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. The liability for safe development and secure occupancy of a site rests with the developer and/or the landowner. It is not the responsibility of the Local Planning Authority to investigate the ground conditions of any particular development site unless it is proposing to develop it.
- 10.54 Where development is proposed on land which the Council is aware is unstable or potentially unstable, it will seek to ensure that the following issues are properly addressed:
- the physical capability of the land to be developed;
 - possible adverse effects of land instability on the development;
 - possible adverse effects of the development on the stability of adjoining land; and
 - possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed. (PPG14, paragraph 21).
- 10.55 Where developers feel land stability will be an issue, they should seek expert advice. Developers are also encouraged to contact the Council's planning and building control sections at an early stage to ensure that the requirements of both Planning and Building Regulations can be satisfactorily included within the scheme.

CS21 Development of an area of known or suspected land instability will be permitted only where it can be demonstrated that the site can be developed and used safely without adding to the instability of the site or adjoining land. Any necessary stabilisation measures must be environmentally acceptable.

Pollution

- 10.56 The Council, in line with government advice expressed in PPG12, is seeking to protect and improve the environment by minimising air, land and water pollution in the District. Pollution control is to a large extent regulated and implemented, through the Environmental Protection Act 1990 and the Environmental Protection Regulations 1991, by the Environment Agency in consultation with the Health and Safety Executive and other bodies. The Council will, however, use its planning powers where appropriate to determine the location of any development which may give rise to pollution and to control new development near to existing pollutants. Where necessary it will impose conditions on developments to minimise disturbance from dust, noise, vibrations, fumes and light and will refuse proposals which are likely to have unacceptable environmental impacts.
- 10.57 Certain generators of noise, light, heat, fumes and vibration such as industrial, retail and

recreational uses may produce levels of pollution which are acceptable during the day time but may need to be restricted in the early morning and evenings, and at weekends. In such circumstances the Council will use conditions to restrict operating and servicing hours. Noise and light pollution are considered in the Built Environment Chapter.

CS22 Development will only be permitted which does not cause unacceptable levels of pollution to land, air or water in terms of noise, dust, fumes, vibration, light or heat.

Permission will not be granted for development on a site adjacent to an existing use which, as a source of pollution, would have an adverse effect on the proposed development.

Hazardous sites and installations

- 10.58 The potential risks associated with the operation of certain sites and the storage or use of hazardous substances has long been a source of concern. New measures have gradually been introduced over time to tighten the degree of controls over such activities, culminating in the Planning (Hazardous Substances) Act 1990. Under this Act, *'the presence on, over or under land of any hazardous substance in excess of the controlled quantity'* requires the consent from the relevant 'Hazardous Substance Authority' whether or not it is associated with development requiring planning permission. Within Mid Sussex the Hazardous Substance Authority is normally the District Council.
- 10.59 The presence of certain uses, or the storage of hazardous substances can increase the risk of fire explosion or toxic or atmospheric pollution. The introduction of such controls means that the local authority can assess the degree of risk arising from such new installations or the storage of substances.
- 10.60 In considering any proposals for new potentially hazardous installations or the storage or use of hazardous substances the Local Planning Authority will consult closely with the Health and Safety Executive (HSE) and any other relevant bodies before granting permission. It will wish to be satisfied that adequate safeguards will be introduced to minimise the potential risks arising from such development or use. The Council will have particular regard to the location of such development in relation to residential areas or other sites to which the public will have access. It will refuse proposals where it considers that there are unacceptable risks arising from the proposed location of such development. Where possible such uses will normally be restricted to existing industrial or commercial sites. Hazardous Substances Consent is normally given for the site and not the occupier, it does not have to be reapplied for should the use cease and then re-start.
- 10.61 Some existing sites and pipelines are designated as notifiable installations by the HSE due to the quantities of hazardous substances stored or used. The HSE is responsible for notifying the Local Planning Authority of the extent of the consultation zone around the hazardous installation or site where dangerous fumes or substances may be present. The Council will seek the advice of the HSE on any proposals for development on land near or adjacent to a notifiable installation.

CS23 Permission for development involving the storage, use or transport of hazardous substances, as defined in the Planning (Hazardous Substances) Act 1990, will only be granted if it would

cause no extra risk to the public or to the natural environment and would not prejudice the use or development of other land. Permission will only be granted for such a proposal on a site in, or allocated for, industrial or business use.

Development in the vicinity of a site known to be used for the storage, use or transport of hazardous substances will not be granted permission if there would be an unacceptable risk to the life or health of its users.