

Policy INF1: Infrastructure provision, delivery, and funding

- 1 New development will be required to consider the capacity of existing infrastructure and consider whether new or improved infrastructure will be required to support development. All types of infrastructure should be considered including whether the scale and location of existing infrastructure, services and facilities would be able to support the development proposal. Early engagement with infrastructure providers is expected.
- 2 Planning permission will only be granted where it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all necessary infrastructure requirements arising from the proposal.
- 3 The timing of infrastructure provision will need to be considered and agreed with the Council in liaison with infrastructure providers to ensure that infrastructure is delivered and is operational prior to, or alongside the development it is required to serve. For larger applications, the phasing of development may be appropriate. Where this is the case, the Council will use conditions or planning obligations to secure the phasing arrangement to ensure that infrastructure is delivered at the right phase/time.
- 4 The delivery of relevant infrastructure will be secured either through direct provision by the developer or financial contributions, such as CIL and / or S106. Contributions towards infrastructure maintenance will also be secured as relevant.
- 5 The provision of infrastructure facilities such as those relating to healthcare and education should be provided in locations that relate well to both existing and new development. They should also be located in areas well served by existing or new/enhanced public transport services and walking, wheeling and cycling routes. Infrastructure must be designed in a way to ensure accessibility for all.

Viability

- 1 In considering the importance of infrastructure and its role in creating and supporting sustainable communities, viability reasons for non-delivery will only be considered in exceptional circumstances. To demonstrate viability constraints the developer must provide a satisfactory viability assessment (open book) prior to the validation of the planning application in accordance with the terms agreed by the local planning authority. All costs associated with the development will be required to be clearly set out by the developer including any costs that were not anticipated. The assessment will be required to demonstrate how the value of planning obligations have been maximised alongside likely viability. The Council will use an independent consultant to verify the assessment and the costs associated with this will be funded by the developer. All viability assessments will be made publicly available.
- 2 Where relevant, a clawback mechanism will be incorporated into any legal agreement to ensure that infrastructure can be provided should viability as set out in viability assessments be better than originally anticipated.
- 3 If full mitigation measures and contributions are not able to be delivered due to viability, the development will only be permitted where the benefits of the development outweigh the lack of full mitigation for its impacts, having regard to other material considerations.

Notes and Comment

Question 60

Consultation Questions

- Do you agree with draft Policy INF1: Infrastructure provision, delivery, and funding?
- Should we change anything? if so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Policy INF2: Active and Sustainable Travel

- 1 Working with partners, the Council will support proposals that will focus on:
 - a) enabling an integrated and improved transport network for all users;
 - b) reducing car journeys by encouraging and enabling active, inclusive, accessible and sustainable travel(walking, wheeling, cycling and public transport such as rail, bus, and delivering sustainable travel initiatives including car sharing/car clubs/cycle hire); and
 - c) providing greater travel choices.
- 2 Sustainability, patterns of movement, active travel, parking facilities and public transport connectivity (around 400m from most homes for major / strategic developments) are integral to the design of a scheme and the creation of high quality and healthy places. To ensure appropriate connectivity between people and places, transport design should be an integral and fundamental consideration from the start of the planning process.
- 3 New development will be supported where it:
 - a) Is situated in sustainable locations with good access to schools, jobs, shops, and key services with travel to these facilitated by sustainable travel modes;
 - b) Maintains, and where required, improves existing transport networks, ensuring that sufficient capacity is available to accommodate the development and that development will not result in a highways safety issue;
 - c) Delivers healthy places and streets contributing to complete, compact and connected neighbourhoods;
 - d) Provides or contributes to the provision of, new and/or improved public transport infrastructure and services proportionate to the projected number of additional trips arising from the development;
 - e) Delivers an inclusive integrated active travel network for people walking, wheeling, and cycling with particular regard to convenient connections, safety and permeability, including provision of new routes / filling in gaps in connectivity;
 - f) Retains and where relevant improves existing public rights of way, including improving local and strategic routes and links;
 - g) Provides for an appropriate level of cycle, car parking and electric vehicle space allocations that takes into consideration the impact of development upon on-street parking, highway safety and accords with East Sussex County Council guidance;
 - h) Provides a Transport Assessment, Transport Statement and Sustainable Travel Plan as relevant to the scale and nature of the development (in line with East Sussex County Council guidance). Where assessments are required, they must cover the extent of transport implications; and
 - i) Provides suitable alternative transport schemes such as Car Clubs, Car Share Schemes and / or Bicycle/Scooter Share Schemes, where appropriate.
- 4 In terms of design, development will be supported where:
 - j) The nature and level of traffic can be accommodated without adversely impacting upon the safety, amenity or character of the surrounding area;
 - k) Roads and junctions within the development, including those to be altered or added as a result of the development, are designed, and delivered in accordance with the appropriate highway guidance with particular emphasis on safety of all active and motorised vehicle users;
 - l) Suitable and safe vehicle access, turning and access provision for service vehicles e.g. refuse vehicles, emergency service vehicles and deliveries can be made in a forward direction;
 - m) The development provides a design and layout that will deliver and encourage slower driving speeds prioritising non-motorised travel (walking, wheeling and cycling) modes as suitable to the scheme;
- 5 Any transport improvements required will be secured by planning condition or a Section 106 planning obligation to include an appropriate highway related legal agreement under the Highway Act 1980 [i.e. s278, s171, s38, Traffic Regulation Order]

Question 61

Consultation Questions

- Do you agree with draft Policy INF2: Active and Sustainable Travel?
- Should we change anything? If so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy INF3: Parking Provisions

- 1 All new development will be required to provide adequate and well-integrated vehicular and cycle parking, taking account of the standards set out in the ESCC Guidance for Parking at New Residential Development (2017) and Non-Residential Development or any subsequent replacement guidance. The guidance must be the starting point for decision-taking on appropriate parking provision for new developments.
- 2 In considering new parking provision for all types of development, the applicant shall consider:
 - a) The character of the local area;
 - b) The proximity and availability of public transport provision;
 - c) The accessibility of the site for non-car mode users;
 - d) Forecast trip rates
 - e) Highway safety and access to and from the development site; and
 - f) The provision of facilities for shared transport schemes (i.e. Car Clubs);
- 3 In considering new parking provision on residential development schemes, the applicant shall also take account of:
 - g) The layout of the new residential development;
 - h) The mix of dwellings in terms of the number of bedrooms and type; and
 - i) Local car ownership levels.
- 4 All new development shall also deliver an appropriate level of cycle (including E-bikes), car, disabled, and visitor parking including electric vehicle active and passive provision that takes into consideration the impact of development upon on-street parking.

Notes and Comment

Question 62

Consultation Questions

- Do you agree with draft Policy INF3 Parking Provision?
- Should we change anything? If so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Policy INF4: Utilities

Utilities

- 1 All development proposals should demonstrate that the infrastructure capacity for surface water disposal, water supply, wastewater treatment, gas, electricity and oil will be sufficient to meet the forecast demands arising from the development over its lifetime and that appropriate connections can be made to the development created.
- 2 All development proposals should ensure that the layout of the utilities is planned to allow future access to existing water supply, wastewater, gas, electricity and other utilities infrastructure for maintenance and upsizing/upgrading purposes.
- 3 The utility network should be protected and development proposals that would compromise existing utilities infrastructure, or encroach on future connections for utilities, will be refused. Opportunities should be sought to safeguard the provision of utilities wherever possible.
- 4 The Council will work with its utilities partners to ensure the necessary physical and environmental infrastructure is provided to support communities. Development that supports or provides carbon neutral utilities schemes that contributes to helping the Council meet its carbon neutral target will be particularly supported.
- 5 Lastly, new development proposals must take into account the impact of overhead power lines on site and should wherever feasible, aim to provide power cables underground in order to protect residential amenity.

Notes and Comments

Question 63

Consultation Questions

- Do you agree with draft Policy INF4 Utilities?
- Should we change anything? If so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Policy INF5: Safeguarding of Infrastructure

- 1 As defined on the Policies Map, development will not be permitted which would prejudice the reinstatement of the following railway lines:
 - Lewes to Uckfield; and
 - Eridge to Tunbridge Wells
- 2 As defined on the Policies Maps, development will also not be permitted which would compromise the delivery of:
 - an extension to the Arlington Reservoir.
- 3 Development will also not be permitted which would compromise the delivery of any offline improvements to the A27 between Lewes and Polegate.

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Consultation Questions

- Do you agree with draft Policy INF5 - Safeguarding of Infrastructure?
- Should we change anything? if so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy INF6: Digital and Communication Infrastructures

- 1 The Council supports the expansion and improvement of digital and communication infrastructure across the district, subject to other policies in this Local Plan.
- 2 Applicants will be required to actively engage at the earliest opportunity with the Council to discuss deployment plans to minimise costs, time and uncertainty associated with the planning process for the deployment of fixed and mobile infrastructure.
- 3 Applicants will be required to actively demonstrate that they have considered broadband and mobile connectivity within their proposals for new housing, employment and retail developments and will enable Fibre-to-the-Premises (FTTP) or where it is demonstrated that this is not possible, other satisfactory gigabit-capable wireless solutions.
- 4 All new dwellings, including those provided via building conversions must be designed and constructed in a way that enables them to meet or exceed the Government's Building Regulations relating to the provision of high speed FTTP infrastructure in the home or any subsequent national equivalent standard should the Building Regulations and/or national policy be reviewed in the future.
- 5 Where FTTP is not possible, infrastructure for the FTTP in the future should be provided where this is practicable.

Existing Telecommunications Infrastructure

- 6 Residential developments of ten or more units and all new employment generating development should demonstrate that there is sufficient mobile telecommunications coverage.

New Telecommunications Infrastructure

- 7 Telecommunications infrastructure proposals should demonstrate that they are required considering other sites available, considering the opportunity of mast sharing and using existing buildings or structures and that the installation exceeds the minimum required for the efficient operation of the network.
- 8 All relevant proposals (including prior approvals) will need to demonstrate that:
 - a) the proposal is the least environmentally harmful option;
 - b) Pre-application consultation has taken place with the community, local groups and organisations who may be affected by the proposal;
 - c) the cumulative exposure will not exceed the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP);
 - d) the location and design of the proposed apparatus and associated structures will minimise any adverse visual impacts on visual amenity or the character and appearance of the surrounding area / host building; and
 - e) The location and design will have no significant adverse impact on the historic environment, on sensitive sites including areas of ecological interest, areas of landscape importance or sensitive landscape areas.

Notes and comment

Question 65

Consultation Questions

- Do you agree with draft Policy INF6 - Digital and Communication Infrastructure?
- Should we change anything? if so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Policy INF7: Local services and Community Facilities

New and Additional Provision

- 1 Development proposals for the provision of new or improved local services and community facilities will be supported.
- 2 The Council will work with developers and relevant organisations to ensure that appropriate local services and community facilities, including new provision and enhancements to existing facilities, or shared provision of facilities are provided in the most appropriate locations to facilitate the needs of development as well as those of existing communities.
- 3 Development of new community facilities should:
 - a) Be located within development boundaries, unless it can be demonstrated that the proposed location is the only suitable option and is well-related to the community it will serve;
 - b) Be of an appropriate scale and intensity of use, without negatively impacting upon adjoining or nearby uses or the vitality or viability of existing facilities in the area;
 - c) Be accessible to the community it serves by public transport, walking, wheeling or cycling.
 - d) Be designed for flexible use to encourage the sharing of facilities by different organisations and services, and to ensure adaptability if the demand for the facility changes;
 - e) Be designed to ensure all potential users can access the services/ community facility;

f) Provide accessible public toilets for community facility users and the public as appropriate, including suitable toilet facilities for childcare and disabled users;

g) Provide adequate car parking including electric vehicle parking charge points (active and passive provision), to allow for the use of the facility including for those with disabilities;

h) Seek to minimise light pollution; and

i) Be designed in a way that will reduce the potential for crime and nuisance.

- 4 New or enhanced local service or community provision will be delivered via a combination of on-site measures and / or through off-site financial contributions, secured through planning obligations.

Retention of Local Services and Community Facilities

- 5 Development proposals that will result in the loss or partial loss of local services and / or community facilities will be required to provide appropriate evidence to justify their loss and will not be supported unless:

a) It is no longer needed or viable and suitable alternative provision that is of a suitable size, scale, use and capacity would be developed nearby in a location that is accessible to the community the existing facility serves;

b) The partial loss contributes to the continuation of the existing local service or community use (should the existing use require less floorspace) and it can be demonstrated that the existing use would otherwise be unviable but can be retained by cross-subsidy;

c) A robust case can be demonstrated that the property has been vacant for at least a period of 18 months, and it can be demonstrated that there is no current or future need or demand for the local service or community facility, either as its current use or an alternative service/community use;

- 6 The approach set out in Policy EC8: The Retention of Sites in Economic or Tourism Uses and Community Facilities should also be applied.

- 7 In the case of public facilities, proposals will not be supported unless the demand within the locality no longer exists and the building(s) is no longer suitable to accommodate the existing use and there are clear operational reasons for closing or moving the facility. In such cases where this is proven, it should be explored whether the site could reasonably be adapted to provide an alternative local service or community use prior to the consideration of any other uses.

- 8 Proposals that would result in the loss of a local service or community facility, or features associated with them, that may undermine a sites viability such as, but not limited to car parks, gardens and function rooms, will be refused planning permission, unless there are exceptional circumstances for such a proposal to proceed and this meets all other policy provisions in this Local Plan.

- 9 The Council may require the review of any submitted information by an independent consultant, and it would be expected that the applicant will cover the cost of this.

Notes and Comments

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Consultation Questions

- Do you agree with draft Policy INF7: Local services and Community Facilities?
- Should policy EC8 apply to all local services and community facilities including publicly owned services and facilities (such as public schools, public libraries, public medical facilities or should Policy EC8 just apply to commercial local services and facilities, such as public houses and shops?
- Should we change anything? If so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Policy INF8: Open Space, sports and recreation provisions

- 1 The Council will seek to increase the availability and accessibility to high quality and high value open space, sports, and recreation provision by protecting and enhancing existing provision including ancillary facilities, improving the management of provision, as well as through the delivery of new open space, sports and recreation provision, including within sites allocated in this Local Plan.

Protecting existing open space, sports and recreation provision

- 2 Existing open space, sports and recreation provision, including lapsed provision, should not be built on unless:
 - a) A robust assessment has been undertaken which has clearly shown the provision is surplus to requirements in relation to quantity, quality, and accessibility standards as relevant to its catchment area; or
 - b) It is demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality as well as being located in a suitable location, including with good accessibility.
 - c) The development is for alternative provision at the site, the benefits of which clearly outweigh the loss of the current or former use.
- 3 Open space, sports and recreation provision can have multi-functional benefits. Proposals will therefore only be supported where alternative provision does not adversely impact on other benefits or functions or can sufficiently mitigate any adverse impacts.
- 4 In addition to (1) and (2) above, proposals relating to sports provision or their associated facilities will only be supported where:
 - d) The proposed development is for ancillary facilities that will support the principal use of the site and does not affect the quantity and quality of existing playing pitches or otherwise adversely affect their use; and
 - e) The proposed development affects only land incapable of forming part of a playing pitch and does not affect the use.
- 5 Proposals that would result in the loss of playing pitches will only be supported where the site has no special significance to the interests of sport to the satisfaction of both the Council and Sports England.

New or enhanced open space and recreation provision

- 6 Residential development* of 10 or more dwellings (net) will be required to provide either new and / or enhanced publicly accessible open space and recreation provision to meet the needs of their occupants. Provision should be provided based on the size of the dwellings proposed and in accordance with Table 27 in appendix 1.

- 7 The expectation is for development to deliver provision on-site in accordance with appendix 1 unless exceptional circumstances where off-site provision would better facilitate the needs of the development or where provision may not be suitable onsite due to either the nature / size of the site or specific constraints.
- 8 Where off-site provision is required developer contributions for the enhancement and maintenance of existing open space and recreation provision will be sought with contributions secured through a S106 legal agreement.
- 9 Where on-site provision is required, the type of on-site open space provision to be delivered will be discussed with the applicant at the pre-application stage and will be dependent on the suitability of the site to accommodate different types of open space provision as well as the quantity and type of provision needed in the local area. Proposals should have regard to the findings of the Wealden Open Space Report (or any future updated studies) to inform the provision required, as well as consider any updates to provision that may change requirements. In all cases, the starting point for the consideration of provision should be based on the Council's open space evidence base.

Sports provision (including indoor sports facilities, playing pitches and ancillary facilities)

- 10 Proposals for sports provision will be supported where they meet the needs of the local community and/or unmet need within the district and where they meet the requirements of other relevant policies in the development plan.
- 11 Residential development* of 10 or more dwellings will be required to contribute to the provision or enhancement of sports provision (in addition to open space and recreation provision) to meet the needs and demand of its future occupants. Where shortfalls are identified but do not require the provision of new facilities or provision on site, the Council will seek developer contributions for the enhancement and maintenance of existing sports provision secured through a S106 legal agreement.
- 12 The requirement for new or enhanced sports provision will be informed by the Playing Pitch and Outdoor Sport Strategy and Playing Pitch Action Plan and the Indoor Sports facilities Assessment (2022) (or any updates to this) and the distance and capacity of existing facilities. The scale of development and the site-specific context will inform whether provision should be made on site or through contributions towards existing sites. New provision will need to include appropriate ancillary facilities and parking.
- 13 Where new schools are provided in major new residential developments, they should be designed to facilitate community access, with opportunities for meeting the community's outdoor sports needs explored at the outset to maximise the potential for facility provision to be made within the developments.

Design of open space, sports and recreation provision

- 14 In accordance with other policies in this plan and in particular Policy DE3, the provision and design of new open space, sports and recreation provision will be expected to:
 - a) Meet the required quality standards;
 - b) Provide safe facilities sited in a location that can benefit both new and existing residents;
 - c) provide accessible and inclusive facilities for all potential users that benefit healthy living;

- d) be sustainably located, accessible by a range of transport modes including active travel (walking, wheeling, and cycling) and public transport;

- e) maximise opportunities to deliver benefits for nature, support efforts to address climate change and strengthen the existing network of multi-functional green space; and

- f) provide adequate funding towards the long-term maintenance of new provision. A management plan for the on-site provision will also be required as relevant to the proposal; and

- g) provide adequate funding towards the long-term maintenance of new provision. A management plan for the on-site provision will also be required as relevant to the proposal; and

- h) provide sufficient developer contributions towards the long-term maintenance of new provision

- 15 On-site provision will be required to be completed prior to the first occupation of the development. Developer contributions towards maintenance of the site will be secured through a section 106 agreement.

Consultation

- 16 Where relevant consultation on the proposal for open space, sports and recreation provision will be required with the parish/town council and / or local communities. Advice on consultation recommendations will be provided at the pre-application stage. In relation to sports provision consultation with Sport England will be required also.

*This includes both market and affordable housing, older persons housing (where occupants are active) and permanent mobile homes.

Question 67

Consultation Questions

- Do you agree with draft Policy INF 8 – Open Space, sports and recreation provision?
- Should we change anything? if so, what should we change and why?
- Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Other Comments