

## **14. Utilities**

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### **Introduction**

**14.1** This chapter deals essentially with ensuring that there is adequate provision of utilities infrastructure (i.e. electricity, gas and water supply, and sewerage) to accommodate new development. It then goes on to address the Council's approach to sites for waste disposal in the District. It concludes with telecommunications, namely satellite dishes, masts and aerials.

### **Government Guidance**

**14.2** PPG12 states that the preparation of Development Plans should take into account:-

- the capacity of existing utilities infrastructure and the need for additional facilities;
- the land requirements of the utility companies to enable them to meet the demands that will be placed upon them; and
- the environmental effects of additional facilities required by the utility companies.

**14.3** Circular 30/92 'Development and Flood Risk' states that Development Plans should:-

- include policies relating to development in flood risk areas;
- not provide for any development on land at high risk from flooding which is not currently protected unless a developer is willing to protect the land to the appropriate standard; and
- take into account the potential risk of pollution associated with inundation of a site containing harmful materials which could be leached out.

### **County Policy**

**14.4** The current Structure Plan incorporates the following policies:-

- land will only be released for development when the necessary resources to provide the essential services and facilities are likely to be available;
- proposals for development within the floodplains of watercourses will not normally be permitted; and
- waste disposal sites will not be permitted unless there is an identified need, adequate

restoration, appropriate after-use and no likely adverse effect in terms of safety, pollution, amenity or conservation.

### **Infrastructure Provision**

**14.5** The current development proposals in this Plan are not expected to create operational or programming problems for the utility companies. The adequacy of infrastructure can be a material consideration in deciding whether planning permission should be granted. The right to connect to a sewer is a matter to be agreed between the developer and Water Companies.

### **POLICY U1**

**BEFORE GRANTING PLANNING PERMISSION FOR DEVELOPMENT ON LARGE SITES THE COUNCIL WILL HAVE REGARD TO THE ADEQUACY OF THE EXISTING INFRASTRUCTURE. IF THE EXISTING INFRASTRUCTURE PROVISION IS INADEQUATE THE COUNCIL WILL EITHER:-**

- (i) **SEEK TO PHASE OR POSTPONE THE DEVELOPMENT UNTIL ADEQUATE INFRASTRUCTURE PROVISION IS LIKELY TO BE AVAILABLE; OR**
- (ii) **REFUSE PLANNING PERMISSION WHERE APPROPRIATE PHASING OR POSTPONEMENT CANNOT BE AGREED.**

**14.6** Large sites will be regarded as those of at least 1 hectare. This policy will be implemented by consulting the relevant bodies prior to determining an application. In some instances, where the lack of adequate infrastructure is likely to result in the delay of an otherwise acceptable development, it may be possible for the developer to enter into a legal agreement to fund the requisite facility (in accordance with Policy I1) and thereby bring forward the development.

### **Flooding and Surface Water Drainage**

**14.7** New development in a floodplain is likely to be at risk from flooding. Development can also have the effect of reducing the storage capacity of the floodplain and/or impeding the flow of water, thereby increasing the risk of flooding elsewhere. The Council will also have regard to Catchment Management Plans, and their replacements - Local Environment Agency Plans (see paras. 3.21 and 8.11).

**14.8** At sites suspected of being at risk from flooding but where no adequate flood risk information is

available, developers will be required to carry out detailed technical investigations to evaluate the extent of the risk and to implement any necessary agreed measures. The areas at risk from flooding are indicated on the Proposals Map. The following policies will therefore apply:-

**POLICY U2**

**THE COUNCIL WILL NOT PERMIT DEVELOPMENT IN AREAS AT RISK FROM FLOODING UNLESS IT IS SATISFIED THAT EITHER:-**

- (i) **THERE WILL BE NO INCREASED RISK OF FLOODING, EITHER ON-SITE OR ELSEWHERE; OR**
- (ii) **ADEQUATE AND APPROPRIATE FLOOD-PREVENTION MEASURES ARE INCORPORATED AS PART OF THE DEVELOPMENT.**

**14.9** Unless carefully sited and designed, development can result in problems associated with additional surface water run-off. This could lead to an increased risk of flooding downstream and/or damage to the receiving watercourse, such as erosion, silt deposition and increased pollutant loads caused by the increased volume of water and changes to the pattern of flows.

**POLICY U3**

**THE COUNCIL WILL NOT PERMIT DEVELOPMENT WHICH WOULD RESULT IN EITHER:-**

- (i) **INCREASED RISK OF FLOODING; OR**
- (ii) **SIGNIFICANT ADVERSE EFFECTS UPON A WATERCOURSE, NAVIGABLE WATERWAY OR SEWER,**

**UNLESS IT IS SATISFIED THAT ADEQUATE AND APPROPRIATE ATTENUATION MEASURES TO MINIMISE THE RISK OF FLOODING ARE INCORPORATED AS PART OF THE DEVELOPMENT.**

**14.10** These policies will be implemented through consultations with the Environment Agency (in the case of main rivers), the Council's Land Drainage Service (in the case of non-main rivers with reference to Local Byelaws), Thames Water Utilities and, in appropriate instances, British Waterways and English Nature. Surface water discharge into the Rivers Lee and Stort (where navigable) requires the consent of British Waterways.

**Waste Disposal**

**14.11** As the authority responsible for waste planning and management, Essex County Council is required to prepare a Local Plan dealing with waste management in the County. That Plan, which is currently being prepared, is required to set out detailed land use policies for the treatment and disposal of waste. The Waste Local Plan addresses the land-use implications of existing waste policies. It is required to have regard to, and complement, the County's Waste Disposal Plan. In order to ensure that the Plan is properly implemented the District Council is anxious to ensure that it is consulted on all applications relating to the disposal of waste within the District.

**14.12** The only existing major site for waste disposal in the District is that of the Leca (Lightweight Expanded Clay Aggregate) Works at High Ongar. The clay was extracted and treated on-site and the resultant hole is being filled with waste with the intention that it will be reinstated to a beneficial use. Planning permission for clay extraction expired in 1994 and all plant and buildings connected with clay treatment have been removed. The site is to be restored as a Parish Park. All tipping and waste disposal is to cease by the end of 2004 and the area that has been filled restored to agriculture.

**14.13** There are currently three civic amenity sites in the District. These are managed by the County Council and are situated at:-

- Luxborough Lane, Chigwell;
- Mill Lane, Ongar; and
- Brooker Road, Waltham Abbey.

**14.14** The Council will continue to assess the adequacy of these, and other nearby sites, in catering for the needs of the District and will press the County Council to improve or retain facilities as necessary.

**Telecommunications**

**14.15** The Government's telecommunications policy is contained within PPG8. Its aim is to ensure that people have a choice as to who provides their telecommunications service and that there is a range of services from which to choose. Telecommunications include fixed link, (e.g. telephones and cable television), cellular mobile telephone systems (e.g. Racal Vodafone and BT Cellnet), personal communications networks (e.g. Mercury, Unitel, and Microtel), and satellite television broadcasting.

**14.16** There is continuing technological progress

in this growing industry, and Government guidance is that local authorities should seek to encourage, and avoid hindering, telecommunications development whilst protecting the best and most sensitive environments. To help achieve this balance the guidance encourages the various operators to share facilities where possible.

**14.17** The main impact of telecommunications in the District, in planning terms, is in respect of cellular systems and personal communications networks (both of which require a number of aerials at intervals throughout the area) and, more particularly, satellite television dishes.

**14.18** Satellite television microwave dishes have an adverse effect upon the street-scene in terms of both their impact upon the appearance of individual buildings and the numbers involved. However, many enjoy permitted development rights.

**POLICY U4**

**THE COUNCIL WILL SEEK TO ENSURE AND, WHEN DETERMINING PLANNING APPLICATIONS, MAY REQUIRE THAT SATELLITE TELEVISION 'DISHES' ARE:-**

- (i) SITED AT THE REAR OF BUILDINGS WHEREVER POSSIBLE, AND PREFERABLY AT GROUND LEVEL;**
- (ii) NOT INSTALLED ON FRONT ELEVATIONS, CHIMNEY STACKS OR IN FRONT GARDENS;**
- (iii) REMOVED WHEN NO LONGER REQUIRED; AND**
- (iv) COMMUNAL IN THE CASE OF MULTI-OCCUPIED BUILDINGS.**

**14.19** Possible exceptions to this policy include where the 'dish' needs to be sited in a particular location for operational reasons. Consent will be required if the building is 'Listed' (see Policies HC10 and HC12), and special considerations will apply in Conservation Areas (see Policies HC6 and HC7).

**14.20** The aerials required by cellular systems and personal communications networks may be located either on high buildings or on free standing pylons. In most cases these works are permitted development within the terms of the Town and Country Planning General Permitted Development Order 1995. Only masts over 15m high require planning permission. However, proposals for masts 15m and less in height are still notified to the Council to determine whether

an application is required for their siting and appearance. Apparatus for telecommunications may be free-standing or attached to buildings or other structures. Installation is permitted development in many cases but the Regulations are complicated. Full details are given in the General Permitted Development Order 1995 (Articles 24 and 25) and in the document Telecommunications Prior Approval Procedures - Code of Best Practice, published by the DoE in May 1996.

**14.21** The Council believes that it will be helpful to specify those cases where prior approval will always be required. This is on the understanding that such approval may also be needed in other specific cases. Unobtrusive locations on existing buildings or structures will be preferable to free standing installations. However, where free standing installations are necessary for operational reasons, they should not be sited in sensitive locations such as Conservation Areas, in close proximity to Listed Buildings or in areas of attractive landscape. The siting should take account of existing and proposed buildings, trees and hedgerows to provide some screening to the new feature, together with any special factors such as proximity to aerodromes. Sharing the facility will reduce their number and therefore their impact upon the landscape. The prior approval procedure for masts under 15m is intended to give the Council limited discretionary control. It has a maximum period of 28 days both to determine whether to require prior approval, and to give or refuse such approval.

**POLICY U5**

**PRIOR APPROVAL FOR THE SITING AND APPEARANCE OF NEW MASTS UNDER 15m TALL WILL BE REQUIRED WITHIN CONSERVATION AREAS, OR WHERE THEY MAY AFFECT THE SETTING OF LISTED BUILDINGS, OR IN OTHER LOCATIONS WHERE THERE IS LIKELY TO BE A SIGNIFICANT IMPACT ON AMENITY. FACTORS TO BE TAKEN INTO ACCOUNT INCLUDE:-**

- (i) TOPOGRAPHICAL FEATURES, INCLUDING THE HEIGHT OF THE SITE IN RELATION TO SURROUNDING LAND;**
- (ii) VIEWS OF THE SITE FROM ADJOINING LAND, BOTH WITHIN AND OUTSIDE THE DISTRICT, WITH PARTICULAR REFERENCE TO THE EFFECT ON THE SKYLINE OR HORIZON;**

<p>(iii) <b>IMPACT ON, AND POSSIBLE SCREENING BY, EXISTING VEGETATION;</b></p>	<p><b>PARTICULAR REFERENCE TO THE EFFECT ON THE SKYLINE OR HORIZON;</b></p>
<p>(iv) <b>PROXIMITY TO RESIDENTIAL PROPERTY;</b></p>	<p>(iii) <b>THE IMPACT ON, AND POSSIBLE SCREENING BY, EXISTING VEGETATION;</b></p>
<p>(v) <b>OTHER MASTS, BUILDINGS OR STRUCTURES IN THE LOCALITY; AND</b></p>	<p>(iv) <b>PROXIMITY TO RESIDENTIAL PROPERTY;</b></p>
<p>(vi) <b>PROMINENCE FROM PUBLIC RIGHTS OF WAY USED FOR RECREATIONAL PURPOSES (E.G. FOOTPATHS, BRIDLEWAYS AND TOWPATHS).</b></p>	<p>(v) <b>OTHER MASTS, BUILDINGS OR STRUCTURES IN THE LOCALITY;</b></p> <p>(vi) <b>THE PROMINENCE OF THE SITE FROM PUBLIC RIGHTS OF WAY USED FOR RECREATIONAL PURPOSES (e.g. FOOTPATHS, BRIDLEWAYS AND TOWPATHS).</b></p>

**14.22** Design, colour and materials are the main factors to be included in the assessment of the appearance of a mast. The Council may wish to consider features such as height, other dimensions, overall shape, whether the mast is solid or an open frame, the number of antennas and their arrangement, and the existence of any lateral extensions.

**14.23** Where the installation requires planning permission, the advice of the Government (in PPG8 - Telecommunications) is that the growth of new and existing systems should be facilitated within the context of the protection of the countryside and urban areas. Local authorities are encouraged to respond positively to such development proposals, especially where the proposed location is constrained by technical considerations. The Council may consult with the appropriate authority to be satisfied that new installations will not create problems of interference for existing apparatus and will seek to understand any constraints the operator faces due to the nature of the technology or the legal requirement to provide a service.

**POLICY U6**

**THE COUNCIL WILL GRANT PLANNING PERMISSION FOR NEW TELECOMMUNICATIONS MASTS AND ANTENNAS PROVIDED THAT THE CHARACTER OR APPEARANCE OF THE BUILDING OR AREA IS NOT SERIOUSLY HARMED. FACTORS TO BE TAKEN INTO ACCOUNT INCLUDE:**

- (i) **TOPOGRAPHICAL FEATURES, INCLUDING THE HEIGHT OF THE SITE IN RELATION TO THE SURROUNDING LAND;**
- (ii) **VIEWS OF THE SITE FROM ADJOINING LAND, BOTH WITHIN AND OUTSIDE THE DISTRICT, WITH**

**OPERATORS WILL BE EXPECTED TO SHARE MASTS OR USE EXISTING BUILDINGS OR STRUCTURES. MASTS WILL BE REFUSED PERMISSION WHERE THE COUNCIL IS NOT SATISFIED THAT THE POSSIBILITY OF USING EXISTING APPARATUS, BUILDINGS OR STRUCTURES HAS BEEN FULLY EXPLORED.**

**Unstable Land**

**14.24** PPG14 refers to the need for local authorities to take into account the possibility of ground instability in preparing their Development Plans. Structure Plans should indicate any major areas of ground which are known to be unstable and any policies that are intended to apply. Local Plans should then give more detailed policies, setting out the criteria to be used in determining planning applications and the types of conditions normally expected to be applied.

**14.25** The Structure Plan does not indicate any such areas, nor are any known. However, the District Council is undertaking a landslide hazard assessment with a view to identifying any specific areas or types of area which may be prone to landslips so that appropriate policies may be formulated as necessary.

**14.26** Where new development is proposed, the responsibility for assessing the ground conditions of a particular site rests with the landowner or developer. In those instances where there are grounds for believing that there is active or potential landsliding which may affect development, the developer will be required to prove that these concerns can be overcome. This may require the submission of a slope stability report which adequately demonstrates that the potential problem will be resolved.

**Environmental Implications**

**14.27** The policies in this chapter should, if implemented successfully, contribute to the achievement of the following aims of the Plan (see pages 24 and 25):-

(ii) To facilitate modern-day living requirements.

(xviii) To ensure that new development has adequate infrastructure.

(xx) To ensure that any new development does not have an unacceptable impact both in environmental terms and in the provision of local facilities.

(xxxix) To enable the implementation of the Council's Recycling Plan.

**14.28** The policies in this chapter relate to a mixed bag of issues. Consequently, their environmental implications (set out in Appendix 2) are wide-ranging. The policies dealing with infrastructure provision and flooding will have greatest impact upon water conservation and quality, but also upon the condition of land. The main effect of telecommunications policies will be on the quality of the townscape and rural landscape through controlling the location of masts and satellite 'dishes'

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