

# Heatons

Planning Environment Design

Planning Policy  
Wealden District Council  
Vicarage Lane  
Hailsham  
BN27 2AX

Our Ref: TAR-209-P  
Date: 13<sup>th</sup> November 2023

Sent by email only to [Nplans@wealden.gov.uk](mailto:Nplans@wealden.gov.uk)

Dear Sir/Madam,

**Ninfield Neighbourhood Plan Regulation 16 Consultation – Representations on behalf of Tarmac Trading Limited.**

We are writing on behalf of our client, Tarmac Trading Limited (Tarmac), in response to the consultation on the draft Ninfield Neighbourhood Plan consultation, and associated documents, open from 25<sup>th</sup> September 2023 to 5pm 13<sup>th</sup> November 2023.

The following drawings accompany this letter:

- Site Location Plan – 1:50,000 (reference: N020-SiLo-Mar23)
- Site (Aerial) Boundary Plan – 1:2,500 (reference: N020-ASiB-Mar23)

Tarmac own and operate a Block Plant in the west of the Ninfield Parish area. The plant is located 850m to the west of Ninfield village and is directly accessed from the A269. The site location is shown on the accompanying Site Location Plan.

The submitted site boundary plan shows the full extent of Tarmac's operational interest.

The purpose of this letter is to highlight an inconsistency between the draft Ninfield Neighbourhood Plan employment site mapping, specifically site E7, and the actual extent of Ninfield Block Plant. It is considered that designation E7 should be amended to reflect the full extent of the site, particularly in the context of new policies related to landscape and visual impact.

This letter is structured to provide an overview of the Tarmac Ninfield Block Plant planning history, outline relevant areas of the draft Neighbourhood Plan, current adopted and national

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planning policy, and concludes with our representations as part of this Regulation 16 consultation.

#### Tarmac Ninfield Block Plant

The manufacture of concrete blocks at the site has been ongoing for many years under the benefit of a number of permanent planning permissions. A former brickworks, the facility now imports, stores and recycles aggregates and concrete waste into construction blocks. Industrial buildings, office units and stockpiles of concrete blocks associated with these operations are also located on the site. It is understood that the facility imports approximately 25,000 tonnes of inert recyclable materials per annum, generally from within a 20 mile catchment area including Eastbourne, Bexhill and Hastings.

In terms planning history, Wealden District Council's online public mapping includes details of planning applications from the 1940s and 1950s for use of the land as brickworks, with permissions for concrete block making in the 1960s, and later ready mixed concrete production in the 1980s and 1990s. More recently, planning permission was granted by East Sussex County Council (applications references: WD/463/CM and WD/528/CM) in 2006 – 2008 to expand the site to include new aggregate recycling areas. In January 2007, Wealden District Council granted planning permission (Application reference: WD/2006/3209/F) for the erection of two new 20m-high silos for the storage of cement and pulverised fuel ash, as part of the block making operations. Therefore, the facility has a long term use as an employment site and the current industrial processes are well established in this location.

In addition to the submitted Site Location Plan and Site Boundary Plan, historical drawings N20/01 'Location Plan' and N20/02 'Proposed Aggregate Recycling Facility' are included as **Enclosure 1** and **Enclosure 2** respectively. These drawings have been approved as part of applications WD/463/CM and WD/528/CM.

#### Draft Ninfield Neighbourhood Plan – Regulation 16 Consultation

Tarmac's Ninfield Block Plant is identified in the draft Neighbourhood Plan. Paragraph 159 states that whilst the site is largely shielded from the A269 by trees "there would be some concern over any significant additional buildings or structures because of its location on the west side of Standard Hill in an area of high landscape quality adjacent to the AONB".

The draft Neighbourhood Plan Policy Map identifies employment sites in the Parish (Figure 1 below, Figure 14 of the Draft Plan), the legend for this map indicates that these sites relate to draft Policy N12. However, draft Policy N12 refers to communications, whereas draft Policy N13 does refer to 'Local Employment' – the Neighbourhood Plan Policies Map should clearly refer to and correspond with the proposed policies.

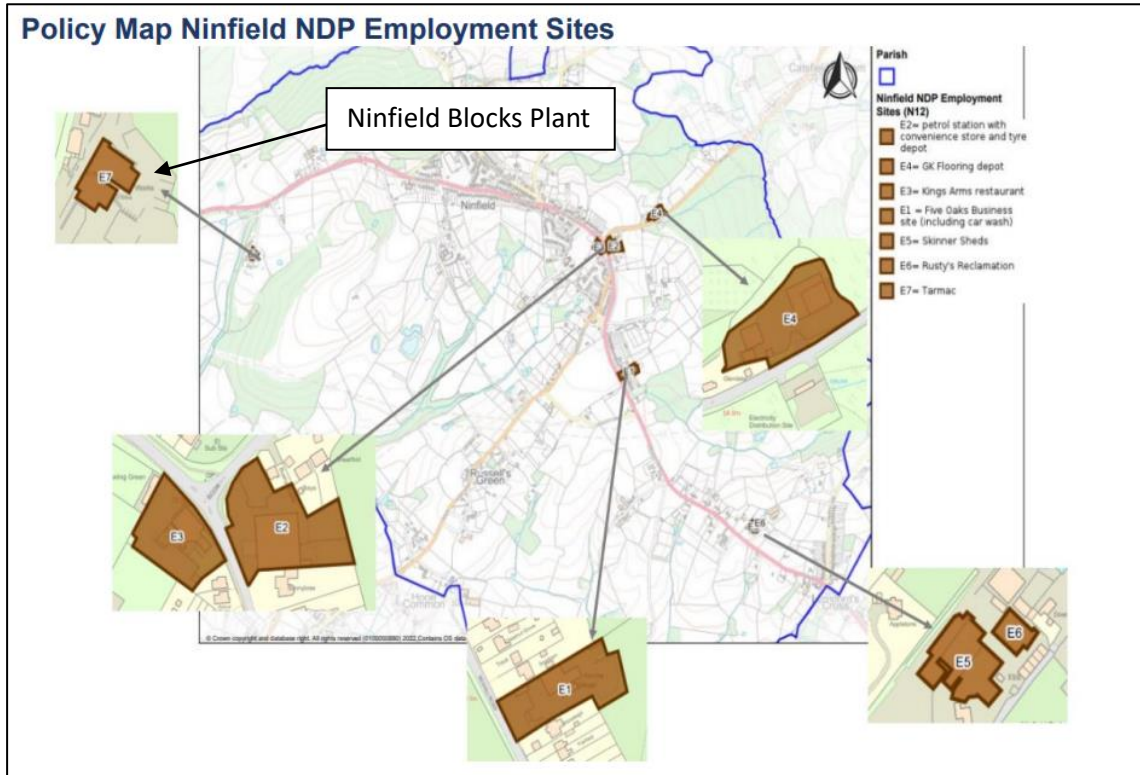


Figure 1. Draft Policy Map Extract with Ninfield Blocks Plant highlighted. 2023.

Ninfield Blocks Plant is identified as Employment Site E7, the designated area includes just the footprint of the main blockmaking building and excludes the rest of the operational site, including ancillary structures, stocking areas, storage bays and hard surfaced access. The boundaries of E7 as drawn do not cover the entirety of the blockworks (which can be seen from the submitted Site Tenure Plan and previously approved drawings in **Enclosure 1** and **Enclosure 2**). As a result, it is not clear how policies contained within the draft Neighbourhood Plan apply to them.

Draft Policy N13 'Local Employment' states that the retention of existing premises in employment-related use will be supported, and support will be given to proposed extensions, alterations or redevelopment for employment-related purposes if there would be no detrimental effects on:

- 1) Landscape and biodiversity (including trees, hedges, banks, ponds and watercourses);
- 2) the residential amenities of any nearby dwellings;
- 3) the built environment including heritage assets, trees, hedges and landscaping; and
- 4) highway safety or the environment by reason of the quantity or type of traffic generated.

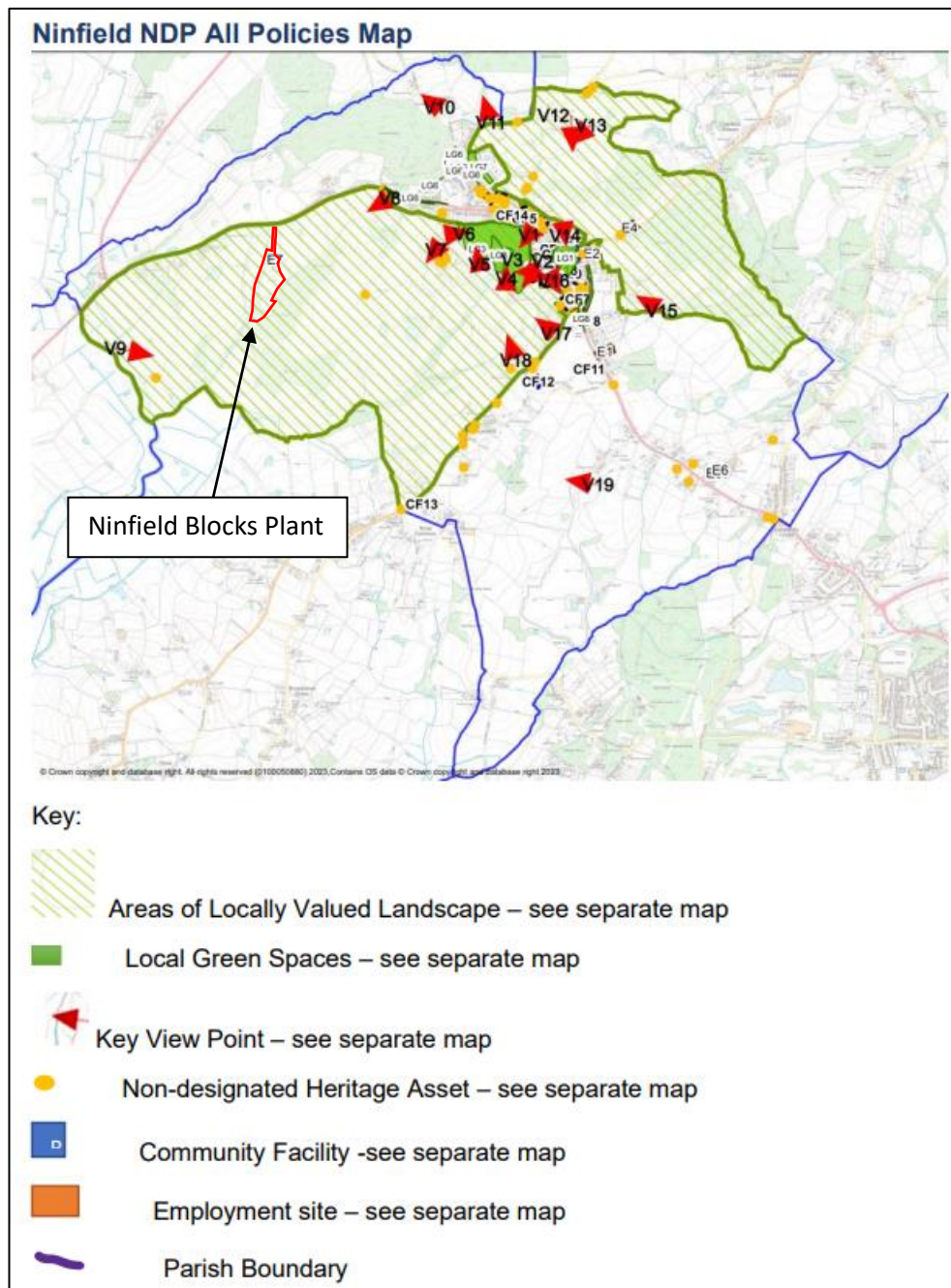


Figure 2. Draft Policy Map Extract with legend and approximate extent of Ninfield Blocks Plant in red. 2023.

The draft Ninfield Neighbourhood Plan locates the Blocks Plant within an 'Area of Locally Valued Landscape'. Draft Policy N6 seeks to protect these identified areas from development which could harm them.

The draft Neighbourhood Plan also identifies Key Viewpoints which draft Policy N5 seeks to protect, it is stated that "where development proposals are acceptable in principle within these Key Views, these should be sited, designed and landscaped to be in harmony with and conserve the characteristic features and visual quality of the landscape". Viewpoint 8 originates at Standard Hill / A269 and faces towards the Ninfield Blocks Plant.

In summary, the draft Neighbourhood Plan excludes much of the existing Blocks Plant from its employment site designation where development is supported, whilst imposing potential landscape and visual policy constraints.

#### Adopted and Emerging Waste and Minerals Policy

The Joint East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites plan was adopted in February 2017, the document safeguards existing waste and minerals resources and facilities.

Policy SP10 relates to 'Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products'. Tarmac Ninfield Blocks Plant ('Tarmac Topblock Ltd, Standard Hill) is safeguarded as a concrete facility. Furthermore, the site is also a safeguarded waste site under Policy WMSP1 and WMP6 of the adopted Waste and Minerals Local Plan (February 2013).

In terms of emerging planning policy, a Waste and Minerals Revised Policies document is currently out for a Main Modifications consultation as part of its public examination. The latest revised document and policies map also safeguards the Ninfield Blocks Plant.

#### National Planning Policy Framework (2023)

Section 17 of the National Planning Policy Framework relates to 'facilitating the sustainable use of minerals'. Paragraph 209 confirms it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

Paragraph 210 states that planning policies should, *inter alia*, safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Paragraph 29 states that neighbourhood plans must be in general conformity with the strategic policies contained in the development plan that covers their area.

#### Tarmac's Representations

The above text has set out the importance of safeguarding minerals manufacturing facilities and infrastructure, and has also outlined the extensive planning history of the Ninfield Blocks Plant. This facility is an important and block manufacturing site (including an element of recycling) within East Sussex, its use is well established and its consolidation has been supported by both Wealden District Council and East Sussex County Council through successive planning permissions. Tarmac would like to take this opportunity to reiterate their commitment to operating the facility.

Tarmac confirm that the extent of the operational site is as shown on the submitted Site Location Plan and Site Boundary Plan. These newer drawings match those site drawings approved in applications WD/463/CM and WD/528/CM from 2006 and 2008 respectively.

Planning Practice Guidance (PPG) (Paragraph: 041 Reference ID: 41-041-20140306) states that neighbourhood plan policy should be clear and unambiguous and drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It is submitted that employment designation E7 should be amended to reflect the extent of the operational Block Plant, as shown on the submitted drawings. Amending the designation in this way would remove the ambiguity of where to apply draft Policy N13 on the site. The proposed amendment is illustrated in Figure 3 below.

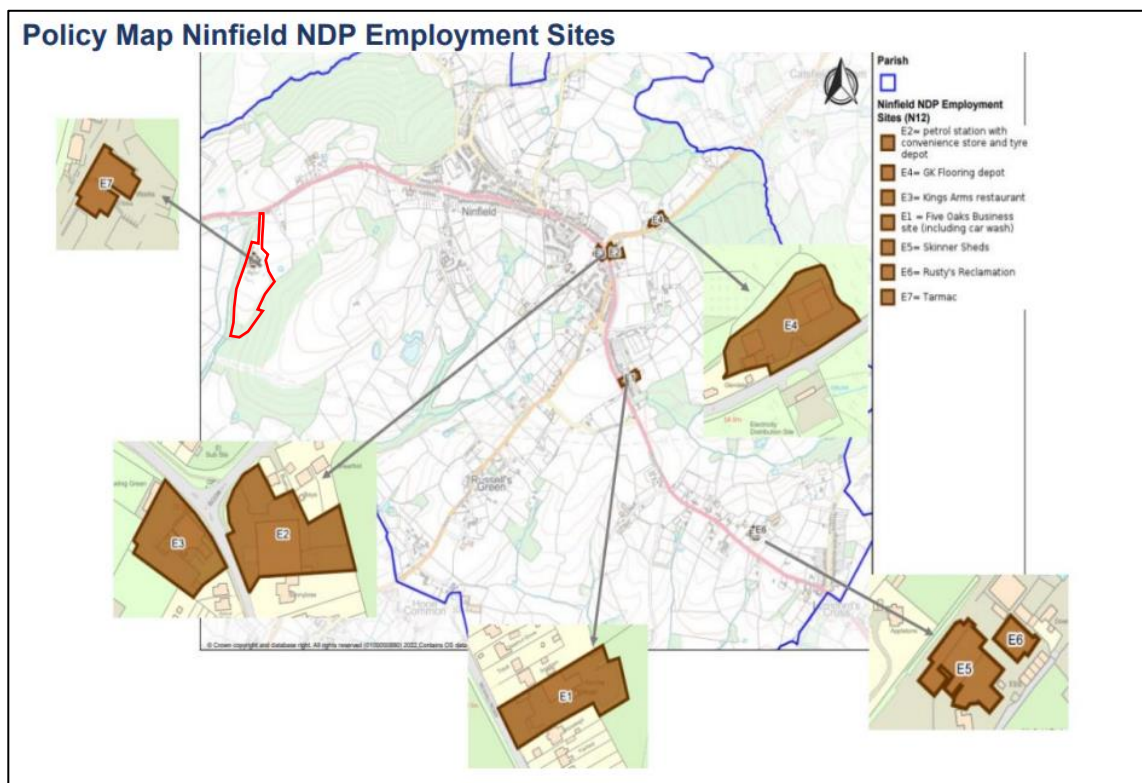


Figure 3. Proposed amendment to employment site E7, in red.

The importance of amending the designation is emphasised by proposed policies N5 and N6 which would introduce new potential landscape and visual constraints for the Ninfield Block Plant. It is crucial that the Ninfield Neighbourhood safeguards the Blocks Plant and that new policies are consistent with the Minerals and Waste Local Plan and NPPF. It is submitted that as currently drafted, the Neighbourhood Plan introduces a level of policy ambiguity for the Block Plant. This must be addressed by amending the boundary of site E7.

Tarmac do not object to the objectives of draft policies designed to protect the landscape, however this cannot contradict policies, including those in the adopted development plan, which safeguard important minerals and waste sites. The NPPF confirms that neighbourhood plans must be in general conformity with the strategic policies contained in the development plan that covers their area. As Ninfield Block Plant is a safeguarded and established site, the emerging

Ninfield neighbourhood plan must also not introduce policies which would constrain the future growth of the facility and thereby contradict the strategic policies of the Waste and Minerals Local Plan.

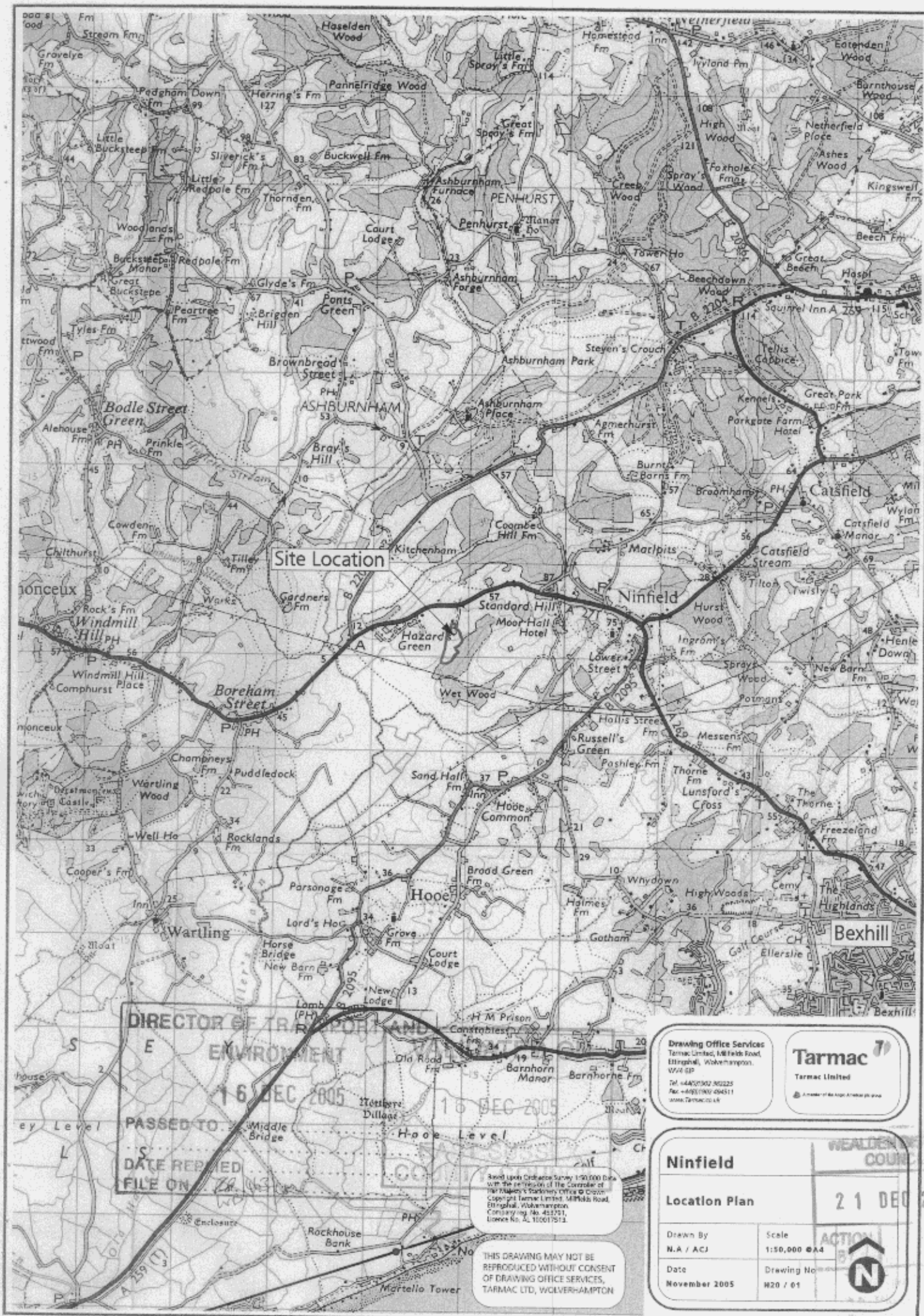
#### Concluding Remarks

Tarmac have reviewed the consultation documents in view of their interest at Ninfield Block Plant. We consider that in order for the draft Neighbourhood Plan to be consistent with the NPPF and adopted planning policy, and remove the above identified ambiguity, employment site E7 as shown on the draft Policies Map should be amended and extended to include the entirety of the Blocks Plant Site. The wording of new policies relating to landscape and key views should also be carefully considered to ensure they do not constrain this important, safeguarded employment site and contradict the strategic policies of the Waste and Minerals Local Plan as well as the objectives of the NPPF.

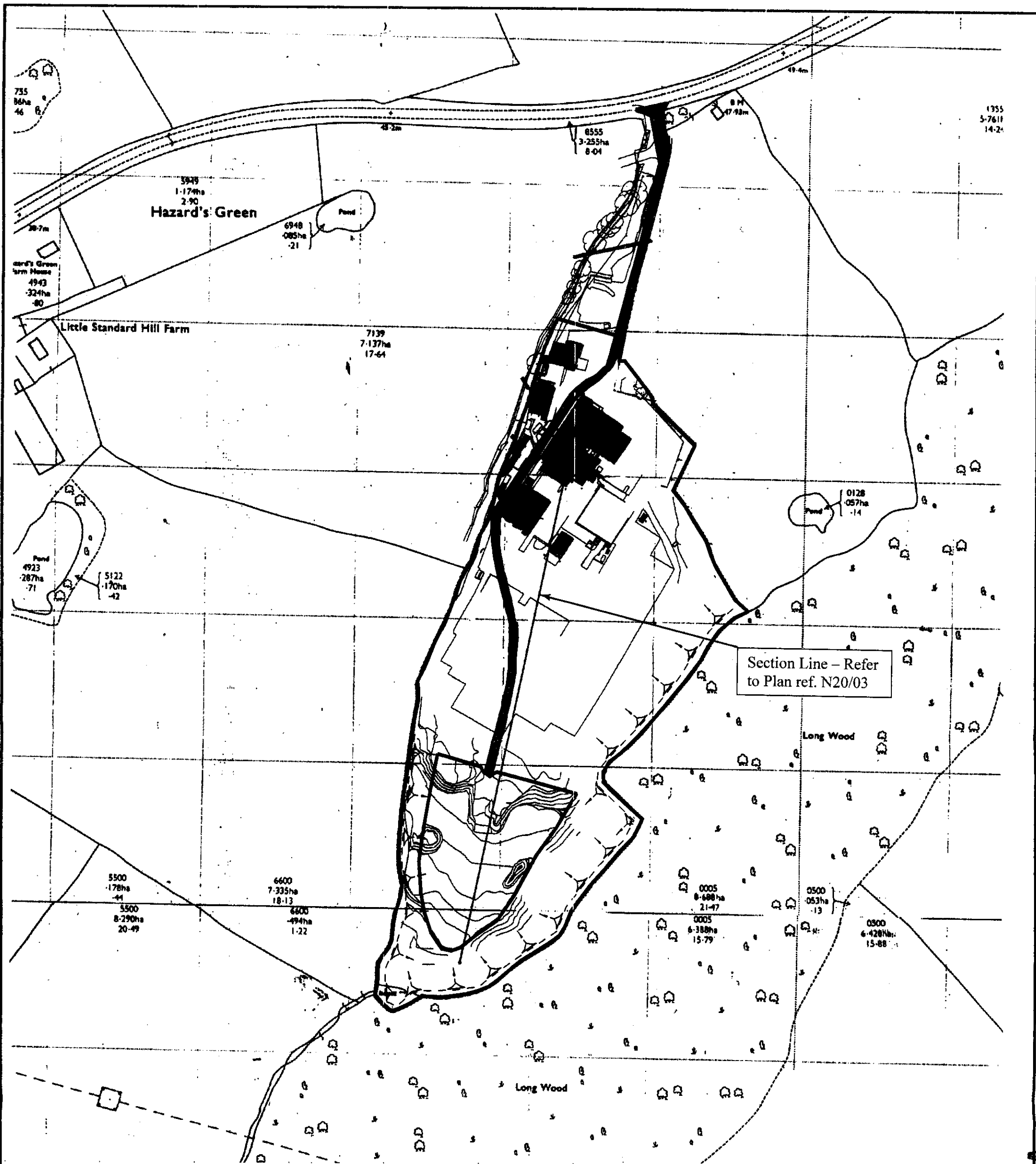
We trust that the information provided is useful.

Yours faithfully,  
Alexander Job  
**Heatons**

**Enclosure 1:** Drawing N20/01 from planning permission  
WD/463/CM



**Enclosure 2:** Drawing N20/02 from planning permission  
WD/463/CM



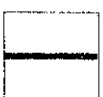
# Legend



Planning application



Land in ownership / occupation of company



Right of access

**DIRECTOR OF TRANSPORT AND ENVIRONMENT**  
**16 DEC 2005**  
**PASSED TO**  
**DATE REPLIED**  
**FILE ON**

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**Tarmac**

Tarmac Limited

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## Ninfield

### Proposed Aggregate Recycling Facility

Drawn By  
N.A / ACJ

Scale  
1:2500 @A3

Date  
November 2005

Drawing No  
N20 / 02

