Parish Council/Steering Group observations on Reg 16 letter from Heatons on behalf of Tarmac

Black type denotes summary of Heaton's letter

Red Type denotes Steering Group comments and response

The lengthy submission by Heatons relates to the fact that the 'Policy Map NNDP Employment Sites' shows site E7 (the Tarmac site) as being very much smaller than its actual total extent. They seek the enlargement of E7 so that it includes the full extent of the operational plant (including open storage areas) and corresponds to the property boundary.

Their letter provides detailed information on the processes, etc, most notably that the manufacture of concrete blocks involves importation by road of aggregates and inert recyclable concrete waste, with recycling and storage on-site. They point out that in the East Sussex Waste and Minerals Sites Plan 2017, policy SP10 lists the site as a safeguarded facility for concrete products and policy SP6 as a 'safeguarded waste site' (NB. the Schedule of site plans shows it is only the southern end of the site that is safeguarded for waste. The Schedule does not have plans of the safeguarded concrete sites).

They state that they do not object to the NNDP policies aimed at protecting the Landscape and Key Views but that these policies are required to be in general conformity with strategic planning policies for the area. The NNDP policies must not contradict the strategic policies relating to concrete facilities and to waste and, in their view the NNDP landscape and Key Views policies, must not constrain the future growth of the Tarmac plant. They feel that these policies (in combination with the E7 employment site boundary) give rise to ambiguities and ask for their wording to be carefully considered – but they do not identify any specific issues or make any suggestions.

Steering Group response:

The Tarmac site (identified as Employment Site E7, and thereby subject to employment policy N13) was deliberately shown as comprising only the area around the buildings and structures on the site. It was considered that the extensive open storage areas should be excluded otherwise it would be implied that the whole site would be suitable for development with buildings including potential development for other employment purposes.

Heatons mention the potential conflict of the NNDP Landscape/Key Views policies N5/N6 with the strategic policies of the E. Sussex Waste and Minerals Local Plan which show the Tarmac site as a safeguarded waste site and facility for concrete products. The revised policies currently in Modifications out for public consultation also safeguard the Tarmac plant (SP10 becoming RM6).

This, however, gives rise to a much more fundamental issue regarding its identification as an employment site in a neighbourhood plan, especially as NNDP policy **N13 provides for other types of employment use on the existing employment sites including Tarmac. This is in conflict with policy SP10 (**Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area) **of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017** – a matter that had unfortunately previously been overlooked and not questioned by ESCC or WDC.

Consequently, the applicability of policy N13 to site E7 is almost certainly in breach of Basic Condition (e) of the Regulations, contrary to what is stated in the NNDP Basic Conditions Statement. Para 9.1 of this Statement briefly mentions the East Sussex Waste and Minerals

Local Plans but it fails to identify the issue with site E7 in combination with policy N13. Heatons ask for the NNDP to show enlargement of employment site E7 to include the whole Tarmac site but that would make it also in breach of policy SP6 in addition to SP10 of the above 2017 Plan.

We think that this issue can only be resolved by removing the Tarmac site (E7) from the NNDP Policies Maps (Figs 2 and 14) and changing the NNDP text in para 159 to say that, although the Tarmac site is one of the more significant employment sites in Ninfield parish, it is inappropriate and unnecessary to identify it as such because it is safeguarded as a facility for concrete products and in part for waste recycling under the provisions of the E. Sussex Waste and Minerals Local Plan. However, we do not see any justification for amending the NNDP Landscape policies N5 or N6.

Also, noticed a typo on page 79 para 160 on NNDP (in addition to the typo in the legend on Fig 14 map, mentioned by Heatons) - it should be policy N13, not N12.

The same issue applies to Employment site **E6 (Rusty's Reclamation)** as this is also a safeguarded waste site – need to delete site E6 and amend text in para 159. In any case it looks as though E6 is incorrectly shown on the NDP plan as the Safeguarded site is next to it (to the north) – see plans attached.

NOTE: The East Sussex Waste and Minerals Local Plan comprises of a number of documents the most significant adopted ones being:

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (policy WMP6 Safeguarding Waste Sites)

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 (policies SP6 Safeguarding Waste Sites and SP10 quoted below)

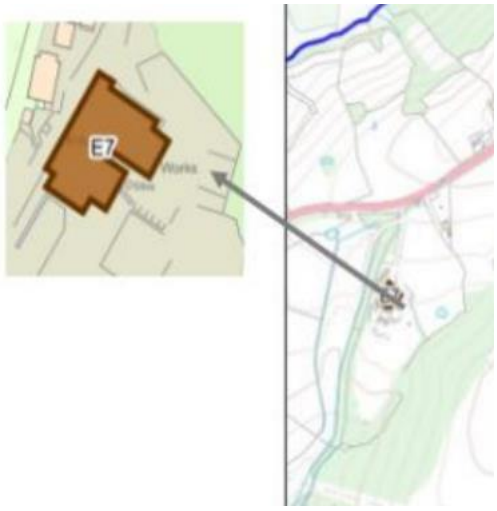
"Policy SP 10 - Safeguarding facilities for concrete batching, coated materials manufacture and other concrete products within the Plan Area

The following facilities are safeguarded against development that would unnecessarily sterilise the facility or prejudice its use:

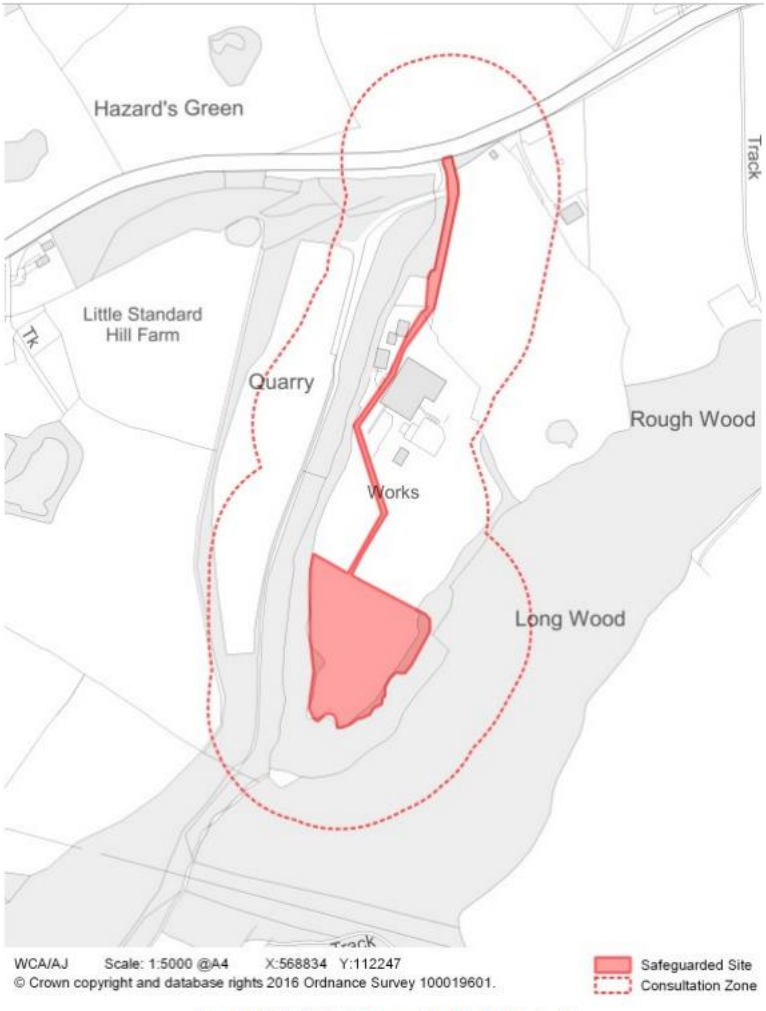
Tarmac Topblock Ltd, Standard Hill, Ninfield .....etc, etc

Proposals for non-minerals development on or near the site that would prejudice the use of the facility, or result in incompatible development, should not be permitted. The MPA will consider whether the proposed development is in accordance with a site allocation in an adopted local plan or neighbourhood plan; the site is no longer needed; the proposal is of a temporary nature; or, the capacity of the site can be relocated elsewhere."

Plans of the NDP Employment Sites N7 and N6 and the Plans of the Safeguarded Sites in the East Sussex Waste and Minerals Sites Plan 2017 are on the next pages:-

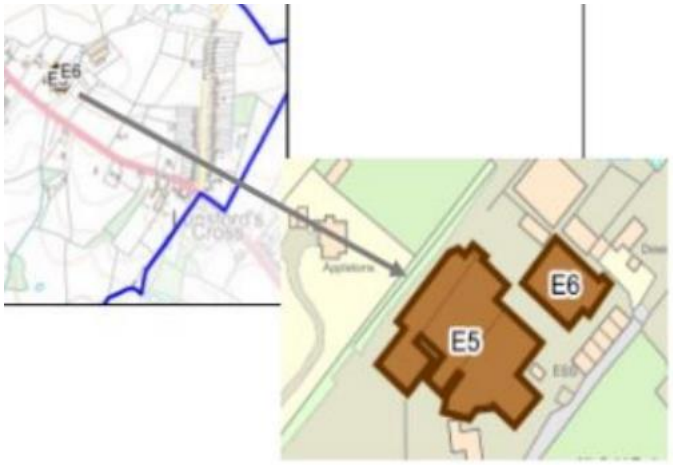


NDP Employment Site N7 (Tarmac)

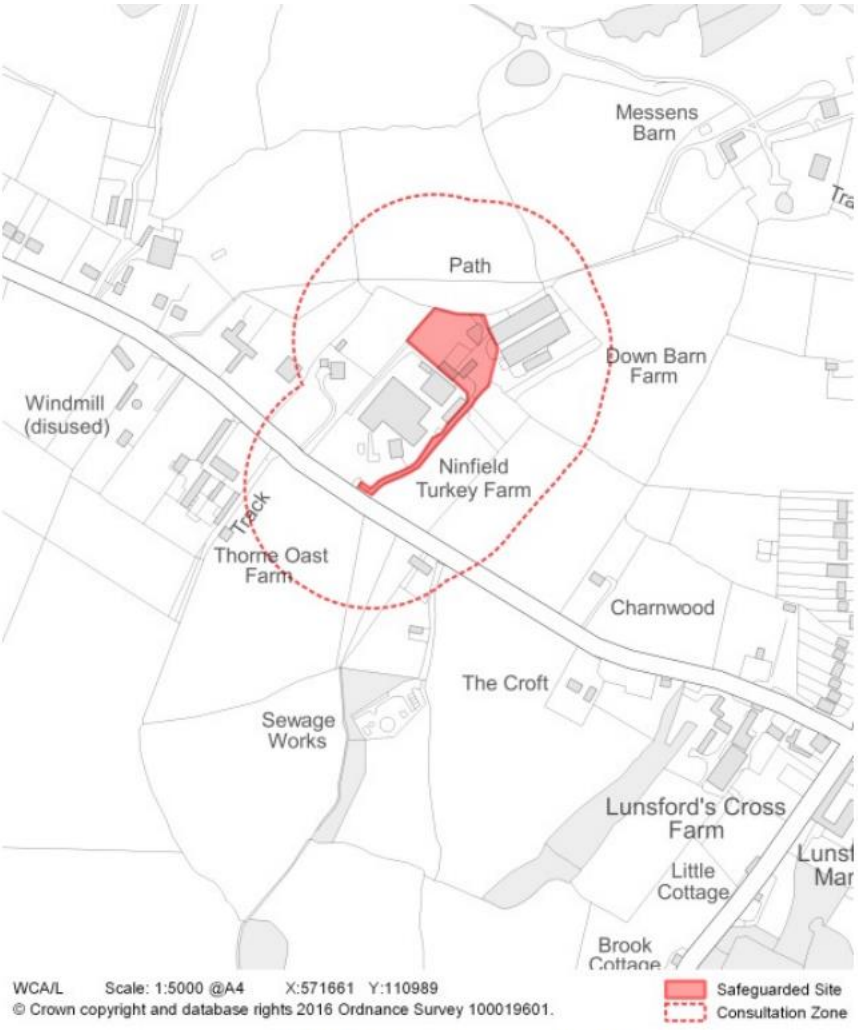


Map 54 SP-WCA/AJ Tarmac Topblock, Ninfield

Safeguarded Waste Site under SP6 (NB there is no plan of the safeguarded concrete facility referred to in SP10)

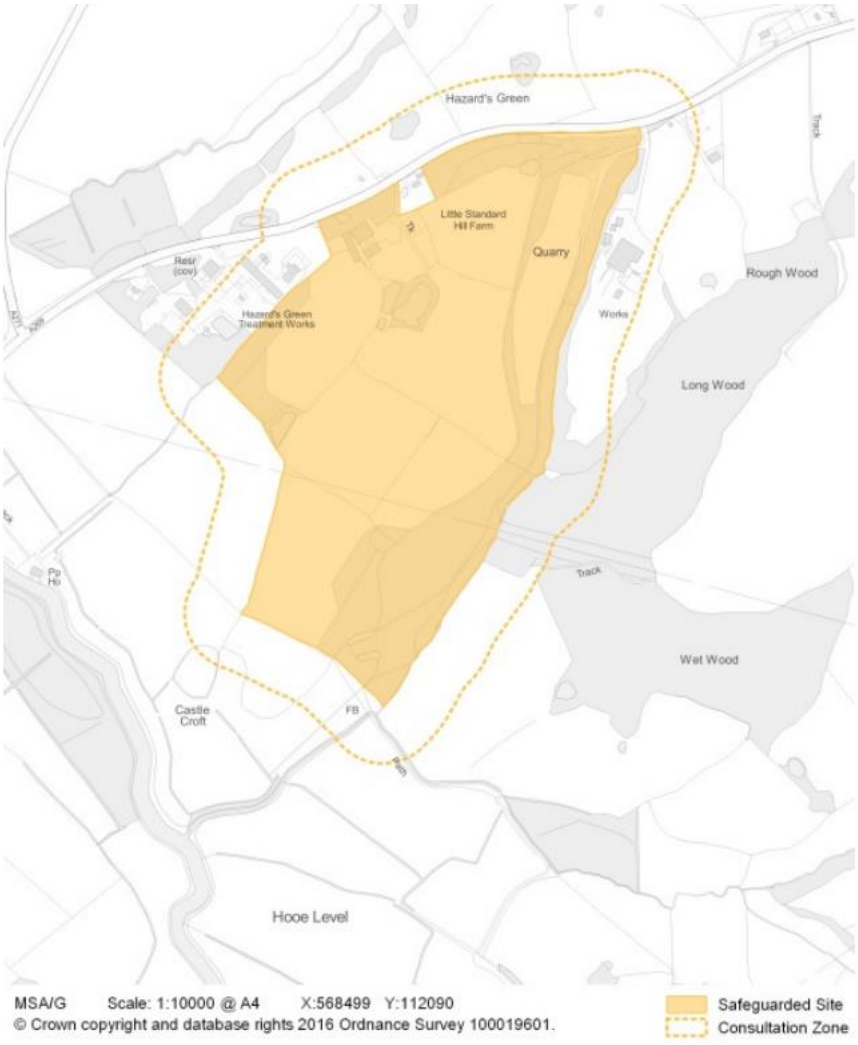


NDP Employment Site E6 (Rusty's Reclamtion) – appears to be wrongly shown as it is different from Safeguarded site below.



Map 30 SP-WCA/L Downbarn Farm, Ninfield

Safeguarded Waste Site



Map 69 SP-MSA/G Little Standard Hill Farm, Ninfield

Safeguarded Minerals Site under policy WMP14 (NB. it does not include any part of the Tarmac site)