East Sussex, South Downs and Brighton & Hove
Waste and Minerals Plan

Waste and Minerals Local Plan Review

Draft Revised Policies Regulation 19 Consultation
9 October 2021 – 4 January 2022
Summary of Responses

May 2022

East Sussex County Council

South Downs National Park Authority

Brighton & Hove City Council

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About this Document

This is the Summary of Representations to the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Review Revised Policies Proposed Submission Consultation 2021. The consultation ran for 9 weeks and 4 days between 29 October 2021 and 4 January 2022. The consultation was run in accordance with Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended), and with the Statements of Community Involvement of East Sussex County Council, the South Downs National Park Authority and Brighton & Hove City Council.

Further information regarding the consultation, including a list of deposit points used can be found in the Consultation Notice [R-RS03].

This document sets out the Authorities' summary of the representations received. It is broken down by topic, with a table detailing each issue raised. The table contains four columns:

For full details of each representation please see the table in Appendix A. To protect privacy, email addresses and telephone numbers have been redacted. Further information about the consultation can be found in the Consultation Statement. The Authorities response is also detailed in this Schedule.

- Respondent – This is the name of the respondent(s) that raised the issue detailed under the Summary column. The respondent ID is in square backets after their name e.g. [51].
- Summary – A summary of the issue raised.
- Proposed Alterations – If the respondent(s) submitted any proposed alterations that would overcome the issue raised within their representation.
- Authorities' Comments – The Authorities' initial comments in relation to the issue(s) raised. Where alterations are proposed in response to the issue raised, a note indicating *modifications are proposed* will appear, (the exact text may vary, but will be highlighted in *blue* so that they may be easily identified). The proposed modifications themselves can be found in the "R-PM01 Proposed Modifications" document.

Summary of Consultation

A total of 36 representations were received from 34 respondents. All representations, except for R4-077 (Natural England), were submitted during the consultation period. Natural England notified the Authorities in advance that their representation was likely to be submitted after the 4 January deadline. R4-077 was submitted on 5 January 2022 and is included in this summary. Most of the representations submitted contained names and addresses. Those representations that did not supply an address were all submitted electronically on behalf of organisations, which can be adequately identified from the name of the organisation and publicly known addresses.

List of Respondents

Please note,

1. the representations for this consultation start at representation 37, and end at 85, and are not always consecutive; and
2. In the columns for 'Legally Complaint?', 'Duty to Co-operate Compliant?', and 'Sound', Y = Yes, N = No, - = Did not specify. Only where a representation explicitly stated a view on the legal compliance, compliance with the Duty to Co-operate or Soundness of the Plan, were these recorded as Yes or No. Otherwise it was marked as 'Did not specify'.

Ordered by Representation ID

ID	Name	Organisation	Legally Compliant?	Duty to Co-operate Compliant?	Sound?
R4-37	James Webster	Wealden District Council	Y	Y	Y
R4-39	Holly Goring	Uckfield Town Council	Y	Y	Y
R4-41	James Webster	Wealden District Council	Y	Y	Y
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	-	-	-
R4-50	Kevin Perkins	Wienerberger Limited	Y	Y	Y
R4-52	David Payne	Mineral Products Association	Y	-	N
R4-56	Spatial Planning	Ashford Borough Council	-	-	-
R4-57	Richard Ford	Brett Group	-	-	N
R4-58	Helen Hudson	CEMEX UK Operations Limited	-	-	-
R4-59	Deb Roberts	The Coal Authority	-	-	-
R4-60	Rob Haigh	Coventry City Council	-	-	-
R4-61	Stephen Hardy	CPRE Sussex	N	-	N
R4-62	Phil Aust.	Day Group Ltd.	-	-	N
R4-63	Marguerite Oxley	Environment Agency	-	-	-
R4-64	Neil Griffin	East Sussex County Council	Y	-	Y
R4-65	Amanda Purdye	Gatwick Airport	-	-	-
R4-66	Lorraine Brooks	Gloucestershire County Council	-	-	-
R4-67	Vanessa Rowell	Greater Manchester Authorities	-	-	-
R4-68	Kevin Kingston	Clerk to Hamsey Parish Council	-	-	-
R4-69	Alan Byrne	Historic England	-	-	-
R4-70	Simon C Ingram	Ibstock Bricks	-	-	N

R4-71	Sharon Thompson	Kent County Council	-	-	-
R4-72	Emily O'Brien	Lewes District Green Party	-	-	N
R4-73	Sidonie Kenward	Marine Management Organisation	-	-	-
R4-74	David Payne	Mineral Products Association	-	-	N
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	-	-	-
R4-76	Kevin Bown	National Highways	-	-	-
R4-77	Tom Scott-Heagerty	Natural England	N	-	N
R4-78	Ewan Coke	London Borough of Redbridge	-	-	-
R4-79	Jeff Pyrah	Rother District Council	Y	Y	N
R4-80	Charlotte Mayall	Southern Water	-	-	-
R4-81	Ibrahim Mustafa	Surrey County Council	-	-	-
R4-82	Jess Price	Sussex Wildlife Trust	-	-	N
R4-83	Sarah Little	Tandridge District Council	-	-	-
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	-	-	Y
R4-85	Rupy Sandhu	West Sussex County Council	Y	Y	N

Ordered by Organisation (Alphabetically)

ID	Name	Organisation	Legally Compliant?	Duty to Co-operate Compliant?	Sound?
R4-56	Spatial Planning	Ashford Borough Council	-	-	-
R4-57	Richard Ford	Brett Group	-	-	N
R4-58	Helen Hudson	CEMEX UK Operations Limited	-	-	-
R4-68	Kevin Kingston	Clerk to Hamsey Parish Council	-	-	-
R4-60	Rob Haigh	Coventry City Council	-	-	-
R4-61	Stephen Hardy	CPRE Sussex	N	-	N
R4-62	Phil Aust.	Day Group Ltd.	-	-	N
R4-64	Neil Griffin	East Sussex County Council	Y	-	Y
R4-63	Marguerite Oxley	Environment Agency	-	-	-
R4-65	Amanda Purdye	Gatwick Airport	-	-	-
R4-66	Lorraine Brooks	Gloucestershire County Council	-	-	-
R4-67	Vanessa Rowell	Greater Manchester Authorities	-	-	-
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	-	-	Y
R4-69	Alan Byrne	Historic England	-	-	-
R4-70	Simon C Ingram	Ibstock Bricks	-	-	N
R4-71	Sharon Thompson	Kent County Council	-	-	-
R4-72	Emily O'Brien	Lewes District Green Party	-	-	N
R4-78	Ewan Coke	London Borough of Redbridge	-	-	-
R4-73	Sidonie Kenward	Marine Management Organisation	-	-	-
R4-52	David Payne	Mineral Products Association	Y	-	N
R4-74	David Payne	Mineral Products Association	-	-	N
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	-	-	-
R4-76	Kevin Bown	National Highways	-	-	-
R4-77	Tom Scott-Heagerty	Natural England	N	-	N
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	-	-	-
R4-79	Jeff Pyrah	Rother District Council	Y	Y	N
R4-80	Charlotte Mayall	Southern Water	-	-	-

R4-81	Ibrahim Mustafa	Surrey County Council	-	-	-
R4-82	Jess Price	Sussex Wildlife Trust	-	-	N
R4-83	Sarah Little	Tandridge District Council	-	-	-
R4-59	Deb Roberts	The Coal Authority	-	-	-
R4-39	Holly Goring	Uckfield Town Council	Y	Y	Y
R4-37	James Webster	Wealden District Council	Y	Y	Y
R4-41	James Webster	Wealden District Council	Y	Y	Y
R4-85	Rupy Sandhu	West Sussex County Council	Y	Y	N
R4-50	Kevin Perkins	Wienerberger Limited	Y	Y	Y

Summary of Responses

1. Introduction - Plan Period

Respondent	Summary	Proposed Alterations	Authorities' Comments
Kent County Council [71]	Plan Period queried.	N/A	The Plan period as set out in the plan is between 2019-2034 inclusive (15 years). The Authorities did not update the plan period between the Draft and Proposed Submission version of the Plan. The Authorities would consider updating the plan period if the Inspector was so minded. Please refer to the Memorandum of Understanding between the Authorities and Kent County Council for more information.

3. Context - Paragraph 3.4

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	Mitigating and adapting to climate change is a core purpose of plan making as set out in paragraph 11a and 20 of the NPPF. We support the Authorities' commitment to review the whole plan in the context of climate change and the Environment Act. Given the urgency of the Government's commitments to net zero and the current requirements of the NPPF, this review must be prioritised.	Section should be amended to include a timeline for the review. Without this, we do not believe the plan is consistent with national policy.	Following adoption of the RPD the Authorities will publish updated Local / Minerals and Waste Development Schemes, which will set out the timeline for review. Planning Authorities are required to ensure that their Local Plans are kept up to date as set out in the NPPF.

3. Context - Paragraph 3.7

Respondent	Summary	Proposed Alterations	Authorities' Comments

Sussex Wildlife Trust [82]	Factual correction	This section should be amended to reflect that the Environment Act is now enacted.	*Alteration to supporting text proposed.*

4. RV1 - Minerals and waste development affecting the South Downs National Park and High Weald Area of Outstanding Natural Beauty

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	It is unclear whether Policy RV1 is consistent with paragraphs 176 and 177of the NPPF (July 2021) and footnote 60.	N/A	The policy wording is considered to be consistent with national policy and legislation.
Natural England [77]	Natural England supports the updates to policy RV1 and believes the policy is legally compliant, however, we do not consider the policy to be sound	Specific alterations to wording proposed.	The policy wording is considered to be consistent with national policy and legislation.
CPRE Sussex [61]	Policy RV1 provides inadequate protection to the SNDP and High Weald AONB.	Specific alterations to wording proposed.	The policy wording is considered to be consistent with national policy and legislation.
Clerk to Hamsey Parish Council [68]	Welcomes the increased protection of the National Park from the adverse consequences of minerals development	N/A	Noted.

5. RW1 - Sustainable Locations for Waste Development (excluding land disposal)

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Highways [76]	Each application will still need to assess the SRN [Strategic Road Network] impacts.	N/A	Policy WMP26 Traffic Impacts is the adopted development management policy in relation to traffic impacts. This is considered in all relevant applications.

CPRE Sussex [61]	Issue not directly specified, inferred from proposed alterations: respondent wishes a catchment area criteria included and waste management development should not be adjacent to any residential buildings.	Specific alterations to wording proposed.	Catchment area restrictions are considered not to be consistent with current national policy. See appeal decision 12/0008/STMAJW (Javelin Park, Gloucestershire), paragraph 1070 for further information.

6. RM0 - Sustainable Use of Aggregates

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Concerned that there is an over reliance on secondary, recycled, and marine aggregates as a suitable substitute to primary land won aggregate.	N/A	Policy RM0 is a positive policy, which seeks that material is used sustainably. It does not place reliance on any single stream. See RM1 for comments re land-won provision.
Mineral Products Association [52]	Recycled aggregates are not always a suitable alternative for primary aggregate; policy not appropriate as strategy relies on imports; policy ineffective owing to lack of negative clause, i.e., "development will not be permitted unless…", and such a statement would not be consistent with national policy.	Deletion of RM0	This is positive policy that sets the direction of travel, whilst also acknowledging the level of uncertainty involved in the implementation of new methods. It is anticipated stronger policies will be developed in partnership with D&Bs and through the review of the Brighton & Hove City Plan in respect of the circular economy of which the policy supports.
Sussex Wildlife Trust [82]	Support for Policy	N/A	Noted
Lewes District Green Party [72]	Welcome the introduction of a new focus on recycling and reuse of aggregates, and on circular economy	N/A	Noted.
Clerk to Hamsey Parish Council [68]	Welcomes encouragement for sustainable use of aggregates. This should be enforced at the point of use, and not left as warm words.	N/A	The selection of materials to be used in any given construction project is a complex topic. Policy RM0 states that the MWPA will work with the district and borough councils in East Sussex to help them develop circular economy

			policies. This should help ensure the most sustainable use of all materials.
Clerk to Hamsey Parish Council [68]	Welcomes the proposed emphasis on prioritising recycled and secondary aggregates over primary materials where possible. The Parish Council would expect support for enforceable policies in Lewes DC and SDNPA Local Plans that all new development should be required to evidence maximum recycled/secondary minerals use for all construction projects.	N/A	The Plan promotes a reduction in the use of aggregates followed by the use of recycled aggregates ahead of primary aggregates. Proposals will need to show how they have met this requirement.

6. RM1 - Provision of Aggregates

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Arguments for special case need to be updated.	Update the arguments and justification to the “Special Case” and to assess the environmental impacts of the strategy proposed.	The Plan area has a land-won aggregate situation which has long been recognised as a "special case". Lydd quarry is the only active sharp sand and gravel site in the Plan Area and previous extraction has taken place in the adjoining county. The only other land-won soft sand site has been inactive for a number of years. It has therefore not been possible to use past sales data and a corresponding landbank as indicators, and it is consequently not appropriate to base future provision on the NPPF criteria in this case. The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the irreversible

			significant harm it would cause to the interests of the designated areas. As alternative sources of material exist which can supply the Plan Area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan. *Additional wording added to supporting text clarifying the position.*
West Sussex County Council [85]	Concerns regarding: the implications of double counting demand and capacity; how the Policy will be monitored; and the impacts that Policy RM1 may have on the West Sussex LAA and Plan Area in future.	WSCC would like to ensure that any implications of Policy RM1 are clear for the WSCC Plan area and JMLP, possibly through additional supporting text to the Policy or through the deletion of specific numbers in the Policy itself.	Noted. *Supporting text to be amended* to explain the position regarding capacity at Shoreham Port.
CEMEX UK Operations Limited [58]	Demand is 0.15mtpa. However, this demand is the annual supply limited by, unallocated aggregate resources, a dormant soft sand site, and Lydd quarry which could potentially expand and which exports 50% of its material.	N/A	The Authorities consider that the environmental constraints in the Lydd area are overriding and there are no options for land won in the Plan Area.
Kent County Council [71]	Impact on neighbouring Mineral Planning Authorities	N/A	Agreements on cross boundary movements are set out in Statements of Common Ground with proximate Authorities.
Brett Group [57]	Include previously identified resources at Lydd quarry	Include previously identified resources at Lydd quarry	The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the significant harm it would cause to the interests of the designated areas. As alternative

			sources of material exist which can supply the Plan area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan.
CEMEX UK Operations Limited [58]	Increased supply of marine won material will require change to land area and operations.	N/A	Unused permitted import infrastructure capacity exists. Existing/potential wharves are safeguarded and RM1 supports new wharf import infrastructure.
Kent County Council [71]	Querying whether Kent importation capacity is relied upon. Queries which infrastructure is being referred to in supplying the east of the Plan area.	N/A	Mineral import levels at Rye Port are currently below the maximum capacity existing at the wharf. Some aggregate material is imported to the Plan Area from Kent, and it is anticipated that this will continue. Agreements on cross boundary movements and associated infrastructure is set out in a Statement of Common ground with proximate Authorities. In relation to importation, please also refer to the Memorandum of Understanding between the Authorities and Kent County Council for more information.
CEMEX UK Operations Limited [58]	Not clear that this plan review can meet the requirements of the NPPF paragraphs 210 and 213 in terms of a steady and adequate supply of aggregates and a minimum seven-year land bank.	N/A	The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances.
Clerk to Hamsey Parish Council [68]	Notes that no new minerals resources have been identified in the Review, and that consequently more material will	N/A	Noted.

	need to be transported into and across the County to meet demand. The parish suffers from significant adverse impacts (noise, pollution/air quality, congestion, accident risk) from the A275, which is also at capacity in Lewes at the prison crossroads and would be concerned if more minerals are transported by road along this route. The parish, and Cooksbridge in particular, also suffer from significant disruption (noise at anti-social hours, vibration affecting property structures) from heavy freight traffic by rail on the Lewes-Haywards Heath Line and would be strongly opposed to any exacerbation of this disturbance.		
Mineral Products Association [52]	Plan does not include land-won provision for sand and gravel in the Plan Area. Does not accurately estimate demand. Relying on large increase in MDA and failing to provide land-won is unsound.	N/A	The Plan area has a land-won aggregate situation which has long been recognised as a "special case". Lydd quarry is the only active sharp sand and gravel site in the Plan Area and previous extraction has taken place in the adjoining county. The only other land-won soft sand site has been inactive for a number of years. It has therefore not been possible to use past sales data and a corresponding landbank as indicators, and it is consequently not appropriate to base future provision on the NPPF criteria in this case.
Mineral Products Association [52]	Lydd Quarry Extension should be allocated.	Lydd Quarry Extension should be allocated.	The Authorities have taken the advice of Natural England regarding the potential impact of extracting aggregates from the extension site (promoted by the operators) and considered the proposal in the context of the NPPF. The Authorities consider that mineral working at this site could not be supported due to the significant

			harm it would cause to the interests of the designated areas. As alternative sources of material exist which can supply the Plan Area, and as these have lesser environmental effects, the Authorities are satisfied that there are no overriding reasons why an allocation for aggregate working at this site should be included in the Plan.
Mineral Products Association [52]	RM1 terminology confusing - should make provision for steady and adequate supply of aggregates and not infer that these are for consumption in the Plan area.	RM1 terminology confusing - should make provision for steady and adequate supply of aggregates and not infer that these are for consumption in the Plan area.	*Modification proposed* to policy text of RM1.
Mineral Products Association [52]	Disagree with treatment of sales from Lydd quarry being 50% exports to Kent and impact on the LAA rate. Not providing 7-year landbank.	N/A	Lydd quarry sales position is set out in the LAA.
Mineral Products Association [52]	Further imports at Rye Harbour does not take account of constraints at Rye.	N/A	Unused permitted import infrastructure capacity exists at Rye Port.
Wienerberger Limited [50]	Respondent's brickmaking business sources materials from Lydd Quarry. Without an extension at Lydd Quarry material would have to be sourced from further afield.	Lydd Quarry Extension should be allocated.	It is considered that alternative sands can perform the same technical tasks as Lydd sands. An extension of Lydd quarry for this purpose is therefore not required.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: (a) ESCC's calculations shows that proposed housing alone takes up the full mineral allocation in the Plan.	N/A	The accepted method of calculating aggregates provision and identifying supply is set out in the NPPF (para. 213) and is implemented via the preparation of a LAA and Minerals Local Plan which includes a monitoring regime.The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand

			for the Plan area which is considered a "special case" due to its unique set of circumstances.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: (b) East Sussex cannot rely on neighbouring counties.	N/A	The Authorities have using local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances. The Authorities have agreed statements of common ground with their proximate neighbours to ensure there are no known barriers to supply.
Brett Group [57]	There is a shortfall in supply / demand inaccurately calculated: Consequences being material sourced from elsewhere and associated environmental impacts.	N/A	Demand has been estimated used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which given its "special case" has a unique set of circumstances. Alternative sources of material exist which can supply the Plan Area with lesser environmental effects. In terms of continuing supply to the existing market areas, the Fishers wharf development at Newhaven could provide for the western side of the Plan Area, and any market variations to the east could be compensated for by, for example, further imports using existing capacity at Rye Harbour as well as from Kent. The exact effect on haulage distances as a result of such changes is unknown. However, the new Fishers Wharf facility at Newhaven will be using a low emissions HGV fleet. In addition, the Plan strategy prioritises the use of recycled aggregates which has the

			potential to further offset CO2 emissions.
Day Group Ltd. [62]	Under provision of aggregates. BGS Consumption figure not considered. Demand is above calculated provision.	N/A	The accepted method of calculating aggregates provision and identifying supply is set out in the NPPF (para. 213) and is implemented via the preparation of a LAA and Minerals Local Plan which includes a monitoring regime. The Authorities are unable to use past sales figures to estimate demand and have therefore used local predicted housing estimates as a proxy for future development. This is considered an appropriate way of estimating demand for the Plan area which is a "special case" due to its unique set of circumstances. Consumption figures are not an appropriate indicator of demand for aggregates.

6. RM2 - Provision for an additional extraction area at Aldershaw Farm

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Highways [76]	Emphasise the importance that any development of this site should not impact on the operation of the services, or safe operation of the [Strategic Road Network] SRN.	RM2 should be amended to include a requirement for a Transport Assessment and Site Management Plan to be prepared as part of any Planning Application for the proposed extension, and for National Highways to be consulted prior to the application being submitted	Transport Assessments and other related documents are included on the local validation list and submission would be required at application stage. With specific reference to the Aldershaw Tiles site *a modification is proposed* to include reference to the documents in supporting text.
Natural England [77]	Natural England supports the updates to policy RM2; however, we do not consider the policy to be sound or legally compliant in its current form.	Specific alterations to wording proposed.	The Authorities accept that suggested alteration to ensure Natural England are consulted on details submitted. *Modification proposed*: alteration accepted.

Sussex Wildlife Trust [82]	The new policy wording is not sound as it is not consistent with the NPPF or Natural England Standing Advice on Ancient Woodland. The wording is too passive, only requiring assessments, not making clear that the assessments should demonstrate that impacts on biodiversity have been avoided and that the Local Wildlife Site is safeguarded.	Specific alterations to wording proposed.	*Modifications to the wording are proposed.*

6. RM3 - Safeguarding Mineral Resources

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	General support.	N/A	Noted.
Natural England [77]	Natural England strongly supports the updates to policy RM3 and considers the policy to be legally compliant and sound in its current form.	N/A	Noted.
Mineral Products Association [52]	Policy RM3 does not provide safeguarding, or identify comprehensive MSAs, for sharp sand and gravel resources.	Mineral Safeguarding Area for sharp sand and gravel resources should be delineated in the Policies Map.	The Safeguarding Resource Topic Paper sets out the viability of sharp sand and gravel resources in the Plan Area. Most of the sharp sand and gravel resource in the Plan Area is overlain by stringent environmental constraints which effectively reduce the potential for surface development. The remaining unconstrained resources are very small and being located along river corridors are unlikely to be on land suitable for future development. Therefore, sharp sand and gravel resources are not safeguarded.
Kent County Council [71]	Safeguarding of sharp sand and gravel.	N/A	The Safeguarding Resource Topic Paper sets out the viability of sharp sand and gravel resources in the Plan Area. Most of the sharp sand and gravel resource in the Plan Area is overlain by stringent

			environmental constraints which effectively reduce the potential for surface development. The remaining unconstrained resources are very small and being located along river corridors are unlikely to be on land suitable for future development. Therefore, sharp sand and gravel resources are not safeguarded.

6. RM5 - Safeguarding Minerals Infrastructure

Respondent	Summary	Proposed Alterations	Authorities' Comments
Lewes District Green Party [72]	Object to the fourth paragraph of RM5	Whilst Newhaven is a port, this is not the same as an industrial estate and the confusion between the two has already caused untold harm to our community's confidence in the planning system. The difference should be clarified in this document not further blurred.	Newhaven Port is strategically important for meeting the local and regional supply for aggregates. The capacity for landing, processing, handling, and storage of minerals at the wharves is safeguarded and protected from incompatible development. This approach is set out within the RPD.
Lewes District Green Party [72]	Object to the third paragraph of policy RM5 in relation to Newhaven - this should be taken out. [...]. Newhaven has a wharf and railhead which is understandably protected for minerals use. However, that wharf and railhead are surrounded by an area which is an enterprise zone, earmarked for regeneration and the focus for renewable for this deprived coastal community. This policy seeks to extend minerals safeguarding in an unacceptable - and unclear - way. The 3rd paragraph of this policy concerns an unspecified and unclear area around the safeguarded area and could be used as a means to thwart plans which are key to the area's regeneration.	Removal of third paragraph of Policy RM5. For ease of reference, the third paragraph reads: "Proposals for non-minerals related uses within the vicinity of an infrastructure site should be designed to minimise the potential for conflicts of use and disturbance in accordance with the Agent of Change principle. Proposals for incompatible non-minerals development should not be permitted."	Newhaven has key strategic minerals infrastructure sites many of which have long leases. The Enterprise Zone has recognised that there may be a need for policy changes.

Lewes District Green Party [72]	Responses [referring to R-SoRD20] also fails to acknowledge that there were approx. 350 additional public responses to the consultation which supported the deletion or amendment of policy RM5.	N/A	The petition is included as 'Shuster et al' in the R-SoRD-20 document.
Lewes District Green Party [72]	RM5 does not adequately balance the needs of environment, economy and community as required by national policy. The waste and aggregates uses in Newhaven are in close proximity to residential and even hotel developments and form part of a regeneration area which is likely to lead to further mixed-use developments. It would not be sound to put a blanket ban, as proposed by this policy, on these alternative uses for an unspecified area around.	N/A	RM5 requires Minerals Infrastructure Assessments to be submitted to demonstrate how any proposed non-minerals development could co-exist without detriment to the safeguarded minerals sites. The Policy does not propose a blanket ban.
Lewes District Green Party [72]	Summary of consultation responses to the previous consultation has not included any reference at all to our detailed objection to RM5, which we repeat below for convenience, although other responses to RM5 are quoted.	N/A	The Authorities apologise for this unintended omission.
Lewes District Green Party [72]	The wording is unclear using terms like 'in the vicinity of' - it is not clear how this will be applied in practice	N/A	The impacts of non-minerals development which could be incompatible with safeguarded minerals infrastructure sites would be assessed on a case-by-case basis.
West Sussex County Council [85]	WSCC considers that the Policies Map is not sound, as it is not effective. NPPF (paragraph 210e) and Draft Policy RM5 set out that existing, planned, and potential wharf capacity should be safeguarded. Paragraph 6.51 of the Revised Policies Consultation document sets out that the sites to be safeguarded are listed in the Policies	The Policies Maps should include Halls Wharf, Shoreham, to ensure that the site is safeguarded by both the East Sussex Plan and West Sussex Plan.	Wharf capacity within the part of Shoreham Port falling within Brighton & Hove is safeguarded in its entirety. *However, amendment to policies map will be made to clarify the situation.*

	Maps. The Policies Maps exclude Halls Wharf.		

6. RM6 - Safeguarding facilities for concrete batching (etc.)

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Clay products manufacture should be included in infrastructure policies.	Specific alterations to wording proposed.	RM3 covers minerals operations. *Modification proposed* to the wording of RM6 and supporting text to cover instances where quarrying is not occurring.

6. RM7 - Minerals Consultation Areas

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Clarification to policy required.	Specific alterations to wording proposed.	*Alteration proposed* to clarify 'small scale infill development'.
Ibstock Bricks [70]	General support.	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement - Paragraph 7.6

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England support the use of the latest biodiversity net-gain best practice. We recommend that the latest Biodiversity Metric Tool publish by Natural England is also utilised for any proposals	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement - Paragraph 7.7

Respondent	Summary	Proposed Alterations	Authorities' Comments

Natural England [77]	Natural England supports the updates to policy RD1 and supporting text however, we do not consider paragraph 7.7 to be sound.	Specific alterations to wording proposed.	Proposed alterations noted and incorporated into *proposed modifications*.

7. RD1 - Environment and Environmental Enhancement - Paragraph 7.10

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Supporting comment - Natural England supports the alteration of supporting text in relation to Habitats Regulation Assessments	N/A	Noted.

7. RD1 - Environment and Environmental Enhancement

Respondent	Summary	Proposed Alterations	Authorities' Comments
CPRE Sussex [61]	"Designated sites" as used in RD1 appears to be an undefined term (it is not used in the NPPF).	Please define or change.	Designated sites area listed in Appendix 2, as indicated in the same sentence.
Sussex Wildlife Trust [82]	Concerned that it does not include a general requirement to protect and enhance biodiversity as required by Chapter 15 of the NPPF. Concerned that the policy is ambiguous in terms of the mitigation hierarchy and feel it should be more clearly written in line with paragraph 16 of the NPPF.	Specific alterations to wording proposed.	Paragraph 7.6 sets out that Applicants are expected to follow the latest biodiversity net-gain best practice, which includes reference to the mitigation hierarchy. Paragraph 7.9 refers back to the NPPF. The first part of the policy is statement of the outcomes desired, whilst the second half sets out when development would be unacceptable, the mitigation hierarchy is implicit in both.
Sussex Wildlife Trust [82]	Given that the Environment Act is now in place, we believe the policy should also be more prescriptive in requiring a minimum of 10% net gain as required by	Specific alterations to wording proposed.	Schedule 14 of the Environment Act (which contains the 10% requirement) is yet to be commenced and is currently not in effect. Once commenced it will be a legal requirement and will be

	the Act. We believe criterion b) should be amended.		required, *additional supporting text proposed* to highlight status of Environment Act. Policy RD1 is written to comply with current and future policy in that respect. The policy is worded so that in the event of an update to the NPPF or best practice it remains effective. Paragraph 16 f) of the NPPF states that plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in this Framework.
Natural England [77]	Natural England supports the updates to policy RD1; however, we do not consider the policy to be sound or legally compliant in its current form: Natural England note that the policy does not appear to fully reflect the requirements of Paragraph 180 of the NPPF in relation to nationally designated sites. The policy should better reflect the full requirements of the NPPF in relation to SSSIs.	Specific alterations to wording proposed.	NE proposes that text should be altered to mirror the NPPF. RD1 as written is designed to be more flexible and accommodate future updates to the NPPF. The test of "significant adverse impacts" is elaborated on in paragraph 7.9, which loops back to the NPPF. In the event the NPPF is updated, the policy will remain sound and effective. Paragraph 16 f) of the NPPF states that plans should avoid unnecessary duplication of policies that apply to a particular area (including policies in this Framework).
Natural England [77]	Natural England supports the updates to policy RD1; however, we do not consider the policy to be sound or legally compliant in its current form: We note that the Environment Act will now require proposals to achieve a minimum of 10% net gain in biodiversity and enhancements. We recommend that this minimum requirement is included within Policy RD1 or within its footnotes as this will make the plan sound by ensuring that it complies with national requirements.	Specific alterations to wording proposed.	Schedule 14 of the Environment Act (which contains the 10% requirement) is yet to be commenced and is currently not in effect. Once commenced it will be a legal requirement and will be required, *additional supporting text proposed* to highlight status of Environment Act. Policy RD1 is written to comply with current and future policy in that respect. The policy is worded so that in the event of an update to the NPPF or best practice it remains effective. Paragraph 16 f) of the NPPF states that plans should avoid

			unnecessary duplication of policies that apply to a particular area (including policies in this Framework).
CPRE Sussex [61]	Policy RD1 should be expanded in the light of the climate emergency.	Specific alterations to wording proposed.	Climate change to be subject of future review. Proposed alteration extends scope of RD1 beyond original scope of policy. No alterations proposed.
Pevensey and Cuckmere Water Level Management Board [44]	Recognition of Pevensey Levels SSSI and current associated drainage issues.	Supporting text should be altered to ensure that development managers consider the SSSI Impact Risk Zones and the impact of discharge into the drainage features that are hydrologically linked to the Pevensey Levels SSSI.	Correspondence has been exchanged with the Pevensey and Cuckmere Water Level Management Board. *Additional supporting text proposed*.
Clerk to Hamsey Parish Council [68]	Sceptical about the concept of biodiversity net gain but supports the maximum delivery of compensatory biodiversity were development causes biodiversity loss. Such gain should be positively enforced via legal agreements, rather than through planning conditions, which the Parish Council considers to be weak and ineffective.	N/A	Noted.
Historic England [69]	Support for historic designation protections.	N/A	Noted.
East Sussex County Council – County Archaeology [64]	Support for Policy	N/A	Noted.
Sussex Wildlife Trust [82]	SWT is concerned that the requirement to safeguard locally designated sites in paragraph 179 of the NPPF is not sufficiently reflected in section 7. Paragraph 013 of the Natural Environment Planning Practice Guidance (Ref 8-013-20190721) makes clear that in order to safeguard locally	Specific alterations to wording proposed.	Paragraph 7.4 highlights that there is a hierarchy of environmental designations, the protection afforded to the different designations is summarised in the NPPF. For clarity, the alteration submitted is being proposed for inclusion within the *Proposed Modifications* document.

	designated sites plans should include policies that protect them from harm and loss. As it stands, section 7 does not do this. In particular, paragraph 7.4 appears to downgrade the importance of locally designated sites.		

8. Implementation and monitoring

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	The Delivery Targets for Policy RD1 have not been updated to reflect the new requirements of the policy	Specific monitoring measures proposed.	Based on representations, the Authorities *propose modification to incorporate additional monitoring measures.*

Additional Policy

Respondent	Summary	Proposed Alterations	Authorities' Comments
Gatwick Airport [65]	Plan does not include safeguarding policy relating to Gatwick Airport.	Additional policy proposed.	Given the likely quantum, location and nature of minerals and waste development within the WMLP, aerodrome safeguarding is unlikely to be a relevant consideration in future planning applications. For the limited cases where aerodrome safeguarding is a consideration, it would be a material consideration and considered in line with the NPPF Para 204 & 205 and NPPW Appendix B. The NPPF states Plans should not unnecessarily repeat the content of the NPPF / NPPW. The Authorities, therefore, do not propose to include a specific policy in relation to aerodrome safeguarding, but will include the extents of the safeguarded area with references to the relevant NPPF paragraphs on the policy map.

WMP24

Respondent	Summary	Proposed Alterations	Authorities' Comments
CPRE Sussex [61]	Policy WMP24 is no longer fit for purpose and needs to be updated as part of your current joint Plan review in order to ensure that Plan remains sound.	Introduce specific greenhouse gas emissions reduction targets into your joint Plan's climate change policy,	Policy WMP24 will be the subject of review as part of a forthcoming full review of the Plan.

Map: BEX (EAST) - Bexhill-on-Sea (East)

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Safeguarded mineral resource should be extended.	Proposed clay mineral safeguarding area proposed.	Permitted clay reserves are abundant and there are no overriding reasons to extend the safeguarded resource. Safeguarded sites will be reviewed as part of a subsequent Full Review.

Map: NEW - Newhaven

Respondent	Summary	Proposed Alterations	Authorities' Comments
Lewes District Green Party [72]	Disagree with the safeguarding of the new areas designated in the policy map for Newhaven.	N/A	Safeguarded extents reflect existing sites and of port areas in relation to wharfs. This is in line with national policy.

Map: NIN - Ninfield

Respondent	Summary	Proposed Alterations	Authorities' Comments
National Grid Electricity Transmission plc (NGET) [75]	National Grid Infrastructure in area, please be aware.	N/A	Noted. This map depicts the safeguarding of an existing permitted minerals site.

Map: RYE - Rye

Respondent	Summary	Proposed Alterations	Authorities' Comments
Rother District Council [79]	Rother District Council has concern with the extent of the proposed Minerals Consultation Area (MCA) at Rye Harbour. It is unclear why the MCA has been enlarged so significantly compared to the Consultation Areas shown in the adopted Plan (Map 74 SP-RSA/C Rye (Port of), safeguarded wharves). The Safeguarding Minerals Infrastructure Topic Paper (August 2021) is noted, but we do not consider the implications of enlarging the area have been fully appreciated, nor the extension of the new MCA justified.	The District Council considers that the MCA at Rye Harbour should not be enlarged or otherwise changed from that shown in the adopted Waste and Minerals Sites Plan (2017).	The wider MCA at Rye Harbour is to ensure the MWPA is consulted on development proposals which could be incompatible with operations at wharf sites and may compromise capacity at the wharf even if they are not actually on the wharf site itself.

Map: SCH - South Chailey

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ibstock Bricks [70]	Map does not display site as a safeguarded mineral site.	N/A	The Policies Map document only shows amendments to safeguarded sites and resources. Chailey Brickworks remains safeguarded in the Waste and Minerals Sites Plan.
Ibstock Bricks [70]	Safeguarded mineral resource should be extended.	Proposed clay mineral safeguarding area proposed.	Permitted clay reserves are abundant and there are no overriding reasons to extend the safeguarded resource. Safeguarded sites will be reviewed as part of a subsequent Full Review.

Climate Change

Respondent	Summary	Proposed Alterations	Authorities' Comments

Clerk to Hamsey Parish Council [68]	Disappointed that Climate Change issues are being deferred to a future full plan review	N/A	Noted.

Duty to Co-operate

Respondent	Summary	Proposed Alterations	Authorities' Comments
CEMEX UK Operations Limited [58]	Lack of clarity/information on Statements of Common Ground and therefore it is not possible to judge whether this strategy review is sound;	N/A	The Duty to Co-operate applies to specific bodies. SoCG and DTC statement will be published at the submission stage.

Habitats Regulation Assessment

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England supports the Habitats Regulation Assessment screening report and considers it to be legally compliant and sound in its current form.	N/A	Noted.

Site Assessment Document

Respondent	Summary	Proposed Alterations	Authorities' Comments
Sussex Wildlife Trust [82]	SWT supports the exclusion of Lydd and Aldershaw Farm as allocations within the plan. If during the examination, the Inspector considers that these omission sites should be discussed, then SWT would like to be involved due to the potentially significant impacts on biodiversity.	N/A	Noted.

Strategic Flood Risk Assessment

Respondent	Summary	Proposed Alterations	Authorities' Comments
Environment Agency [63]	Level 1 and Level 2 Strategic Flood Risk Assessments (SFRAs) do not appear to have taken account of latest Climate Change Allowances both for Sea Level Rise (updated 17 December 2019) and Peak River Flows (updated 20 July 2021).	N/A	*An update to the SFRA is being prepared.*

Sustainability Appraisal

Respondent	Summary	Proposed Alterations	Authorities' Comments
Natural England [77]	Natural England supports the Sustainability Appraisal report and considers it to be legally compliant and sound in its current form.	N/A	Noted.

General Support of Plan

Respondent	Summary	Proposed Alterations	Authorities' Comments
Heathfield and Waldron Parish Council [84] Uckfield Town Council [39] Wealden District Council [37]	Support for Plan.	N/A	Noted.

No Comments

Respondent	Summary	Proposed Alterations	Authorities' Comments
Ashford Borough Council [56] Coventry City Council [60] Gloucestershire County Council [66] Greater Manchester Authorities [67]	No Comments.	N/A	Noted.

London Borough of Redbridge [78] Marine Management Organisation [73] Southern Water [80] Surrey County Council [81] Tandridge District Council [83] The Coal Authority [59]			

Appendix A: List of Representations with links

The links below are to documents containing representations submitted, with sensitive personal information redacted, as set out in the privacy notice. As these files have been submitted by third parties, these documents may not be completely accessible. If you require the representations in another format, please contact us.

Download All (Zip File): WMLPR-R4 Representations.zip (Size: 21,364.89K) (https://eastsussex.objective.co.uk/file/5993088)

ID	Name	Organisation	Link
R4-56	Spatial Planning	Ashford Borough Council	https://eastsussex.objective.co.uk/file/5993048
R4-57	Richard Ford	Brett Group	https://eastsussex.objective.co.uk/file/5993077
R4-58	Helen Hudson	CEMEX UK Operations Limited	https://eastsussex.objective.co.uk/file/5993044
R4-60	Rob Haigh	Coventry City Council	https://eastsussex.objective.co.uk/file/5993040
R4-61	Stephen Hardy	CPRE Sussex	https://eastsussex.objective.co.uk/file/5993049
R4-62	Phil Aust.	Day Group Ltd.	https://eastsussex.objective.co.uk/file/5993038
R4-64	Neil Griffin	East Sussex County Council	https://eastsussex.objective.co.uk/file/5993037
R4-63	Marguerite Oxley	Environment Agency	https://eastsussex.objective.co.uk/file/5993039
R4-65	Amanda Purdye	Gatwick Airport	https://eastsussex.objective.co.uk/file/5993050
R4-66	Lorraine Brooks	Gloucestershire County Council	https://eastsussex.objective.co.uk/file/5993047
R4-67	Vanessa Rowell	Greater Manchester Authorities	https://eastsussex.objective.co.uk/file/5993056
R4-68	Kevin Kingston	Hamsey Parish Council	https://eastsussex.objective.co.uk/file/5993052
R4-84	Fiona Hensher	Heathfield and Waldron Parish Council	https://eastsussex.objective.co.uk/file/5993054
R4-69	Alan Byrne	Historic England	https://eastsussex.objective.co.uk/file/5993055
R4-70	Simon C Ingram	Ibstock Bricks	https://eastsussex.objective.co.uk/file/5993059
R4-71	Sharon Thompson	Kent County Council	https://eastsussex.objective.co.uk/file/5993053
R4-72	Emily O'Brien	Lewes District Green Party	https://eastsussex.objective.co.uk/file/5993057
R4-78	Ewan Coke	London Borough of Redbridge	https://eastsussex.objective.co.uk/file/5993066
R4-73	Sidonie Kenward	Marine Management Organisation	https://eastsussex.objective.co.uk/file/5993071
R4-52	David Payne	Mineral Products Association	https://eastsussex.objective.co.uk/file/5993073

R4-74	David Payne	Mineral Products Association	https://eastsussex.objective.co.uk/file/5993058
R4-75	Matt Verlander	National Grid Electricity Transmission plc (NGET)	https://eastsussex.objective.co.uk/file/5993072
R4-76	Kevin Bown	National Highways	https://eastsussex.objective.co.uk/file/5993082
R4-77	Tom Scott-Heagerty	Natural England	https://eastsussex.objective.co.uk/file/5993069
R4-44	Revai Kinsella	Pevensey and Cuckmere Water Level Management Board	https://eastsussex.objective.co.uk/file/5993074
R4-79	Jeff Pyrah	Rother District Council	https://eastsussex.objective.co.uk/file/5993081
R4-80	Charlotte Mayall	Southern Water	https://eastsussex.objective.co.uk/file/5993067
R4-81	Ibrahim Mustafa	Surrey County Council	https://eastsussex.objective.co.uk/file/5993068
R4-82	Jess Price	Sussex Wildlife Trust	https://eastsussex.objective.co.uk/file/5993080
R4-83	Sarah Little	Tandridge District Council	https://eastsussex.objective.co.uk/file/5993043
R4-59	Deb Roberts	The Coal Authority	https://eastsussex.objective.co.uk/file/5993070
R4-39	Holly Goring	Uckfield Town Council	https://eastsussex.objective.co.uk/file/5993079
R4-37	James Webster	Wealden District Council	https://eastsussex.objective.co.uk/file/5993075
R4-41	James Webster	Wealden District Council	https://eastsussex.objective.co.uk/file/5993076
R4-85	Rupy Sandhu	West Sussex County Council	https://eastsussex.objective.co.uk/file/5993085
R4-50	Kevin Perkins	Wienerberger Limited	https://eastsussex.objective.co.uk/file/5993084

Planning Policy & Development Management
Planning & Environment Service
Communities, Economy & Transport
East Sussex County Council
County Hall
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Planning Directorate
South Downs National Park Authority
South Downs Centre
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