

Planning Policy & Infrastructure Business Unit
Newark & Sherwood District Council
Castle House
Great North Road
Newark
NG24 1BY

Submission by email: planningpolicy@nsdc.info

Our ref: WH/19-02752
Date: 2 November 2023

Dear Sir/Madam

Re: Newark & Sherwood District Council Plan Review – Second Publication Amended Allocations & Development Management DPD – Representations on behalf of British Sugar Plc

I act on behalf of British Sugar Plc in respect of Newark Sugar Factory and have been instructed to submit representations (comprising this letter and accompanying representation forms) to the above consultation. As the Council is aware, we submitted representations to the First Publication DPD consultation in December 2022.

The Second Publication DPD does not include any changes to address our previous representations. As such, we have repeated our previous representations with updated information where relevant and necessary, so that our requests for amendments to the Second Publication DPD pertinent to the soundness of the Plan are considered during the examination process.

British Sugar Plc

British Sugar Plc was formed in 1936, and has been one of Associated British Foods' ('ABF') subsidiary companies since 1991. It is the sole British producer of sugar from sugar beet and processes all sugar beet grown in the UK by around 2,300 growers. From the four factories in the UK, including Newark Sugar Factory, a total of circa 8 million tonnes of sugar beet is processed annually.

British Sugar's sugar processing creates a number of co-products including Topsoil, animal feed, LimeX and aggregates. Furthermore, their innovative approach to the operation also enables the creation of a range of co-products from power generation and bioethanol. British Sugar is continuously reviewing opportunities to grow and diversify the operations in partnership with ABF's subsidiary or third party agri-food sector businesses while reducing greenhouse gas emissions to operate more sustainably.

British Sugar supports up to 7,000 UK jobs in the wider economy, and supplying over 50% of the UK's demand for sugar.

Newark Sugar Factory

The Newark Sugar Factory, which extends to 87.9ha, has been in operation since its opening in 1921. British Sugar has continuously made investment to the site and the Factory now has an advanced manufacturing plant, processing 1.6 million tonnes of locally grown sugar beet to produce 235,000 tonnes of sugar. The Newark Sugar Factory is of national importance, producing home-

grown sugar and other related produces. This, in turn, helps underpin food security in the UK, in line with the Government's food strategy (June 2022).

The factory is an important part of the local – and regional – economies. As well as directly employing 150 permanent staff and additional seasonal employees during the Campaign period, the factory supports off-site/indirect jobs within the catchment area and circa 560 local farmers (with sugar beet grown by local growers) and several haulage companies.

In addition to the production of sugar, the sustainable production of the site ensures that the output of each process becomes the input of the next, turning raw materials into products thus avoiding unnecessary waste. The result is the production of much more than sugar, with its co-products including:

- Animal feed from residual sugar beet fibre which is supplied to the livestock industry;
- Topsoil from soil recovered from sugar beet which is used primarily by the landscaping industry;
- LimeX, a liming material supplied to agriculture;
- On-site power generation (Combined Heat and Power) and the export of electricity into the electrical grid, and
- Aggregates from stones recovered from sugar beet which is used by civil engineering, road building and construction industries.

British Sugar is fully committed to the ongoing and long-term operations at its factory in Newark. For example, the business has recently invested in a new waste water treatment plant to improve the quality of water being discharged. Furthermore, the animal feed dryers have recently been converted to use natural gas, which has reduced the carbon emissions. These recent investments (totalling £10m) have improved the environmental and sustainability credentials of Newark Sugar Factory. British Sugar is continuously reviewing further opportunities to diversify while at the same time reducing greenhouse gas emissions from the sugar beet processing operation through on-site renewable energy development. British Sugar's operations at Newark are diverse and they will continue to invest in further opportunities for diversification, efficient operations and carbon emission reductions, which will strengthen its role in the agri-food sector in the region and the sustainable, low carbon future.

Our representations to the Second Publication consultation are made in the context of the above background and having regard to the tests of soundness as set out in the National Planning Policy Framework (NPPF).

Representations

Policy DM8 – Development in the Open Countryside

The Newark Sugar Factory is located outside the defined Newark Urban Area. Notwithstanding that the site includes factory buildings and structures of significant scale and located adjacent to the built-up area of Newark, the factory site falls in the Open Countryside where development is strictly controlled under Policy DM8.

Proposals to expand existing businesses are supported in the Open Countryside, provided that they are proportionate and that an ongoing contribution to local employment can be demonstrated under Part 8 of Policy DM8. The NPPF requires planning policy to place significant weight on the need to support economic growth and enable the sustainable growth and expansion of all types of businesses in rural areas (Paragraphs 81 and 84). As such, it is considered unnecessary to require justification for expansion of existing businesses by way of demonstrating an ongoing contribution to local employment regardless of where the business is located.

In addition, development needs of British Sugar are not limited to expansion of the factory and operations. British Sugar's future development needs include potential on-site renewable energy

development to reduce carbon emissions from the operation. British Sugar is considering opportunities for solar and wind energy development in order to ensure that its operations become more efficient and sustainable and contribute towards low-zero carbon future. As such, permissible development proposals in connection with existing businesses in the Open Countryside should be amended to include development proposals to improve and enhance the ongoing operations including renewable energy development.

Part 8 of Policy DM8 makes an assumption that proposals to expand existing businesses or construct new businesses in the open countryside are more likely to be appropriate in areas such as industrial estates where the principle of such development is established. Given longstanding industrial operations at the Newark Sugar Factory site, it should also be acknowledged that proposals to expand or improve the Newark Sugar Factory and construct new facilities in connection with British Sugar are appropriate at the Newark Sugar Factory site.

Therefore, we *object* to Policy DM8, on the basis that:

- 1 it is not positively prepared, particularly as there is no other allocation or development management policies which recognise the significance of the Newark Sugar Factory to the local and regional economies and support its ongoing operation and growth, and
- 2 it is not consistent with the NPPF Paragraphs 81, 82 and 84, which require planning policies to:
 - help create the conditions in which businesses can invest, expand and adapt, placing significant weight on the need to support economic growth;
 - set out a clear economic vision and strategy to positively and proactively encourage sustainable economic growth, and
 - enable the sustainable growth and expansion of all types of business in rural areas.

We therefore consider that the following amendments are necessary to **Part 8 of Policy DM8**:

Employment development should be small in scale unless a larger scale can be justified and will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6 of the Amended Core Strategy.

*Proposals for **the improvement and enhancement including renewable energy development, and/or the proportionate expansion of existing businesses** will be supported ~~where they can demonstrate an ongoing contribution to local employment~~. Such proposals will not require justification through a sequential test.*

*Proposals to expand existing businesses or construct buildings for new businesses in the open countryside are more likely to be appropriate in areas such as industrial estates and **the Newark Sugar Factory site**, where the principle of such development is established. Where it is demonstrated that it is necessary, expansion into adjacent areas could be considered appropriate if the impacts are judged to be acceptable. The proportionality of such developments should be assessed individually and cumulatively, and impacts on both the immediate vicinity and the wider setting should be considered. It should be demonstrated that location on existing employment allocations or on employment land within urban boundaries or village envelopes is not more appropriate.*

Policy DM10 – Pollution and Hazardous Materials

The Newark Factory Site is identified as a 'Hazardous Installation' in the adopted Policies Map under Policy DM10. In the previous representations, British Sugar confirmed that no part of the British Sugar factory site is designated as a Control of Major Accident Hazards (COMAH) site and that

British Sugar's operations do not require Hazardous Substances Consent (HSC). As such, we objected to the designation of Newark Sugar Factory as a Hazardous Installation, which is misleading and inappropriate.

Since the previous representations were submitted, it has been clarified by the Council that the site is classified as a Hazardous Installation on the basis of the Health and Safety Executive's (HSE) record that the site holds a HSC to store hazardous chemicals above a specified threshold quantity. British Sugar liaised with the HSE and it has transpired that the classification on their records relates to a historic HSC for the storage of sulphur trioxide. However, British Sugar has never stored sulphur trioxide at the Newark Sugar Factory site and there is no tank/facility which can store sulphur trioxide. As such, the HSE's records are historical and do not accurately reflect the fact that British Sugar does not store any hazardous substance.

The HSE has advised that they will not change the records until Newark and Sherwood Council as the Hazardous Substances Authority (HSA) changes its records regarding the HSC related to Newark Sugar Factory. In order to rectify and correct both the HSA and HSE's records, British Sugar has been liaising with Newark and Sherwood Council, as the HSA, to revoke the redundant HSC which can only be facilitated by the HSA under the Planning (Hazardous Substances) Act 1990.

The administrative process to revoke the redundant HSC will need to be completed by the HSA. In the meantime, evidently, Newark Sugar Factory should not be identified as a Hazardous Installation in the Development Plan by virtue of the site's operator confirming that the site not storing any hazardous substance and that the facilities at the site cannot physically store the hazardous substance as per the records held by the HSE and the HSA.

Policy DM10 seeks to ensure that development proposals near hazardous substance installations as defined on Policies Map take account of and the potential risk arising from them and resists development which would be put at an unacceptable risk from its proximity to such installation. This is in line with the 'agent of change' principle set out in the NPPF Paragraph 187, which states that *"existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the application (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."*

Therefore, we do not object to the aim of Policy DM10, as Newark Sugar Factory as a nationally important sugar beet processing factory and a significant contributor to the regional and local economy should be protected by the Development Plan to ensure its ongoing operations are not prejudiced by development proposals. However, the designation the site as a Hazardous Installation is unjustified given the factually incorrect position on the storage of hazardous substances. Rather, given its significant role in the economy and longstanding business operating in the District, we reiterate our request that Newark Sugar Factory should be recognised and identified as a major employment site for protection and support for ongoing operations and growth.

British Sugar operates three other sugar beet processing factories in the UK – in Wissington, Cantley and Bury St Edmunds. These sites are on the edge or outside the settlement boundaries and benefit from a site specific designation or allocation supporting existing operations and growth in the adopted and/or emerging Local Plans, as follows:

- **Wissington Sugar Factory** is designated as a Major Employment Site under Policy LP10 in the emerging Local Plan for King's Lynn and West Norfolk Borough (currently at the examination stage), supporting the factory's ongoing operation and growth.
- **Cantley Sugar Factory** is a site specific allocation under Policy CAN1 in the adopted Broads Local Plan, supporting the factory's ongoing operation and growth.

- **Bury St Edmunds Sugar Factory** is designated as a General Employment Area and allocated as British Sugar under Policy BV16 of the adopted Bury St Edmunds Vision 2031 document, which supports British Sugar's continued operation and growth and protects areas intrinsic to British Sugar's operations for uses in connection with the ongoing operation and continued growth of the factory.

We request that the same approach is taken for Newark Sugar Factory instead of designation of the site as a hazardous installation. The suggested policy wording is set out in the last section of these representations.

Policy DM4 – Renewable and Low Carbon Energy Generation

We support Policy DM4 being carried forward to encourage and support renewable and low carbon energy generation development as both standalone projects and part of other development, its associated infrastructure.

However, we object to Policy DM4 and its justification paragraph 7.10 which places a blanket ban on wind energy generation developments unless areas suitable for wind energy generation development are identified in a neighbourhood plan. This approach has the potential to rule out wind energy generation development by existing businesses wishing to reduce carbon emissions from their operations where there is no certainty of a neighbourhood plan for an area in which the business is located being prepared. As explained above, British Sugar is committed to working towards a more sustainable and low carbon future, and one of the potential ways to achieve this is through on-site renewable technologies including wind turbines.

As such, we consider that this approach is not justified and request that this Review process assesses the suitability of wind turbines on a site specific basis where existing businesses are seeking to reduce carbon emissions from their existing operations. In the context of the significant industrial development within the Newark Sugar Factory area, it is considered that wind turbine proposals of appropriate scale and siting could be accommodated without causing significant harm to amenity, landscape and views. Indeed, Newark and Sherwood Landscape Capacity Study for Wind Energy Development (March 2014) identifies that the landscape character area, in which the Newark Sugar Factory site is located, has low sensitivity to small turbines (15 to 30m) and low to medium sensitivity to small to medium turbines (31-80m) and medium sensitivity to large turbines (81-110m).

We consider that that an opportunity to reduce carbon emissions should not be overlooked by a blanket ban in the District's Local Plan, particularly where the area is identified as having low to medium landscape sensitivity to wind turbines of up to 110m. We therefore request that the Newark Sugar Factory site is identified as a site suitable for wind energy generation development as part of the ongoing operation of the factory.

Newark Sugar Factory Site Specific Designation

As stated in these representations, we consider that Newark Sugar Factory should be recognised and protected as a major employment site, rather than being incorrectly identified as a Hazardous Installation, in order that its continued operation and growth, including renewable energy development to improve its operation is supported through the Development Plan. We believe, a site specific designation is justified given the significance of Newark Sugar Factory to the agri-food sector in the region and the local economy and a longstanding sustainable business operating outside the defined Urban Area. The suggested policy wording is as follows:

"Newark Sugar Factory's continued operation and the role it plays, both within the District and the wider area, as a major employment site is supported. Newark Sugar Factory including areas intrinsic to the operations of British Sugar are protected for uses in connection with the ongoing operation and continued growth of the factory. Appropriate forms of development/uses on these areas including renewable energy development, which


are connected to British Sugar's operation will be supported, having regard to the relevant requirements of the Local Plan. The Newark Sugar Factory site is identified as being suitable for wind turbine developments subject to satisfying the requirements of Policy DM4."

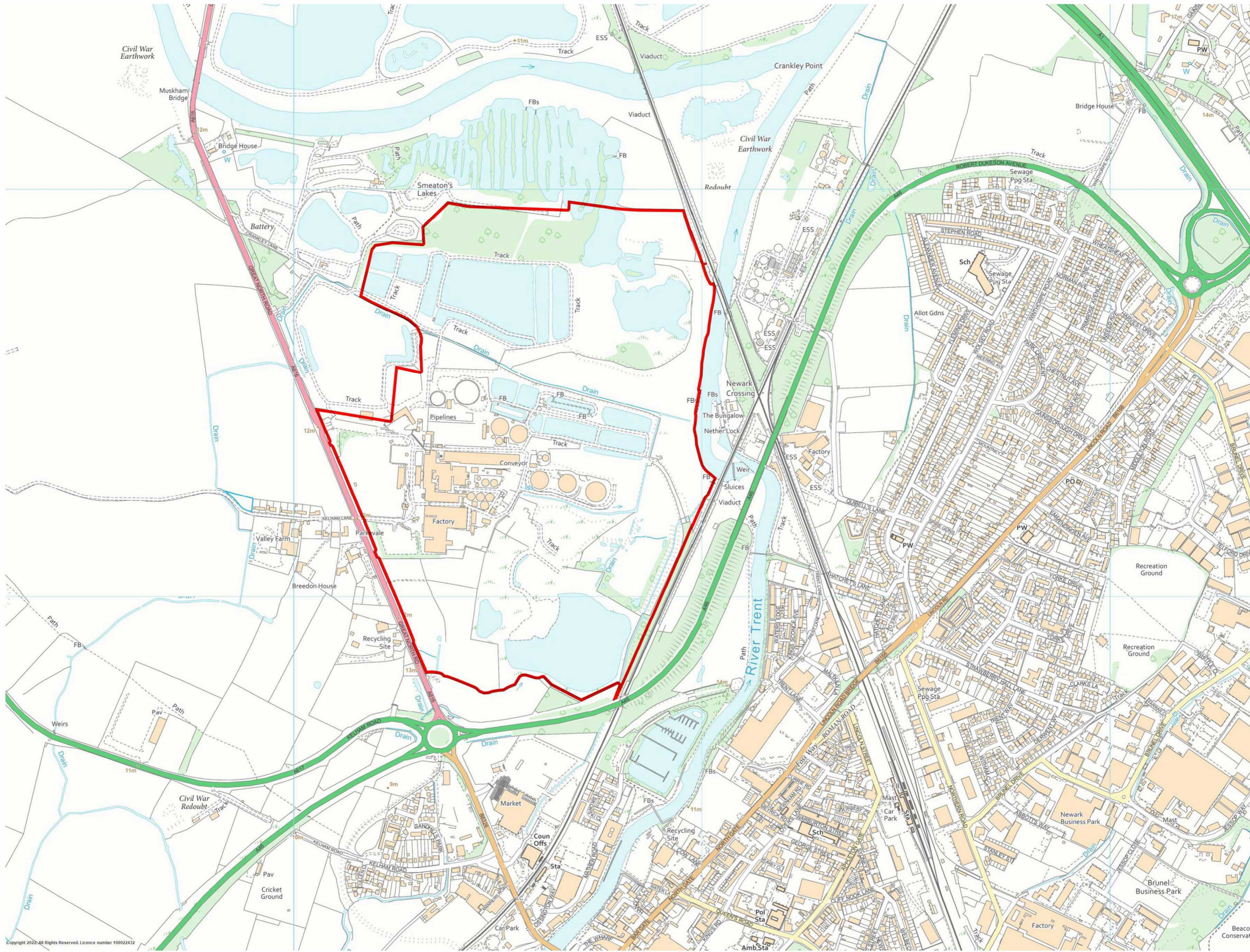
Conclusion

We reiterate our previous representations that the Newark Sugar Factory's national significance and British Sugar's commitment to the factory's ongoing and long-term operation in Newark should be recognised in the Local Plan rather than being identified incorrectly and inappropriately as a Hazardous Installation. We request that the Amended Allocations and Development Management DPD positively supports and encouraged ongoing operation, adaptation and growth of the factory through a site specific designation as a major employment site for protection and support for ongoing operation and growth, including wind energy generation development for the factory operation.

It is requested that our representations are taken into consideration in the Local Plan Review process. Should any further information be required, please contact me on the details below.

Yours faithfully,


Wakako Hirose
BA (Hons) DipTP MRTPI
Associate Partner - Town Planning



SITE LOCATION PLAN

Newark Sugar Factory
 Great North Road
 NEWARK
 NG24 1DL



Scale @ A4 : 1:10,000
 Plan No. : 19-02752_SLP01



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