

## **Black Country Core Strategy**

### **'Have your Say' Response Form**

We want your views on the future of the Black Country. This form is to help you to comment on the Black Country Core Strategy Issues and Options Consultation. The document is available on the website at:

[www.blackcountrycorestrategy.dudley.gov.uk](http://www.blackcountrycorestrategy.dudley.gov.uk)

**How to complete this form:** We have set out a number of questions in the Issues and Options document that we would like you to answer. You can answer as many or as few questions as you like. You can also make comments on any other part of the plan or supporting evidence and documents. This form is provided as a single box. If you are making representations of different sections of the Issues and Options document please use a separate box for each question or chapter.

Where possible please submit evidence to support your views. This can range from a personal explanation behind your choice of option, to detailed figures from a piece of published evidence. If you are submitting detailed supporting evidence it would be helpful if you could include the title, author and date of the document(s). Any supporting evidence can be attached to this form or submitted as a separate document.

**How to submit your comments:** Please complete this form and return it by **5pm 8th September 2017**. Any comments received beyond this date might not be taken into account. This form and any other documents you might wish to provide can be sent by email to [blackcountrycorestrategy@dudley.gov.uk](mailto:blackcountrycorestrategy@dudley.gov.uk) or by post to:

Dudley Council  
Council House  
Priory Road  
Dudley  
DY1 1HL

**If you require this form in an alternative format please contact 01384 814136 or [blackcountrycorestrategy@dudley.gov.uk](mailto:blackcountrycorestrategy@dudley.gov.uk)**

Please provide your contact details. Unless you request otherwise your name and comments will be published as part of the consultation process, however your address and contact details will not be made publicly available and will be protected.

### **Contact Details**

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**Please place an X in the one box that best describes you / your role in responding to this consultation.**

Resident or Individual		Local Authority	
Business	<b>X</b>	Public service provider e.g. education establishment, health etc	
Developer or Investor		Public agency / organisation	
Landowner		Statutory Consultee	
Planning Agent or Consultant		Charity	
Land & Property Agent or Surveyor		Duty to co-operate	
Community or other Organisation		Other (please specify in space below)	

**Please state clearly the section of the Issues and Options document you are commenting on and include question numbers and chapter titles where relevant. This will help us to fully take your comments into account.**

<b>Chapter / Page / Question / Paragraph</b>
Questions 2, 10, 11a, 11b, 49a, 51, 52, 53
<b>Do you agree or disagree with the approach set out in the relevant section and / or question?</b>
Please see specific comments below
<b>Comments (continue on a separate sheet if necessary)</b>

## Black Country Core Strategy Issues and Options consultation

### Summary

We write to confirm BOC's representation to the Black Country Core Strategy Issues and Options consultation in respect of their operational facility at Knowles Road, Wolverhampton WV1 2ET.

BOC is a member of The Linde Group, a world leading gases and engineering company with 50,000 employees working in around 100 countries worldwide. It produces industrial gases for the healthcare, industrial, construction and hospitality industries in the form of cylinder gas, special products (refrigerants, industrial chemicals/gases, and liquid helium for medical scanners for example) and the bulk delivery of liquefied industrial gases by tanker. It also provides on-site gas generation for certain large scale facilities.

Whilst we note that the Core Strategy is at an early stage and that site specific proposals are not yet fully formulated, it is important that the plan is underpinned by a sound evidence base.

In this regard we note that the broad thrust of the questions are focussed on matters of principle, for example, whether new housing should be provided on either Green Belt land or existing employment sites.

BOC are concerned to ensure that the emerging housing strategy set out in the Black Country Core Strategy fully recognises the constraints of existing commercial and industrial business, particularly their operational facility at Knowles Road, Wolverhampton WV1 2ET in respect of potential noise impacts on incoming residents.

**Question 2 – Do you think that the key evidence set out in Table 1 is sufficient to support the key stages of the Core Strategy review? Yes/No; If not, what further evidence is required and, if there are any particular issues that should be taken into account in considering development on any particular sites or in any particular areas, please provide details.**

With regards to the potential to locate housing on existing employment land, BOC submit that suitable sites must be carefully selected, with the evidence base justifying their selection ensuring that matters of potential noise impacts from existing commercial and industrial premises are fully taken into account.

The BOC operations at Knowles Road operate on a 24 hour basis and can generate significant levels of noise during the night time period, and these operations have the potential to impact upon the amenity of incoming residents. If noise constraints are not adequately taken into account through the local plan process and inappropriately proximate residential development ultimately comes forward, this could place extra burdens and constraints on BOC's business causing it to modify its operations and impinge on its productivity and long term viability. This would be contrary to the guidance set out in the NPPF and NPPG, as follows.

NPPF para 123 (our emphasis) states that:

*'Planning policies and decisions should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;*

The NPPG Paragraph: 006 Reference ID: 30-006-20141224 (our emphasis) states that:

*'The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed'.*

The subsequent NPPG section 'How can the adverse effects of noise be mitigated?' (our emphasis) states:

*'For noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development (see the guidance on design for more information).*

BOC therefore request that the Emerging Core Strategy takes these considerations into full account when considering sites to allocate for housing.

### **Site specific considerations/representations**

**Question 10: In continuing to promote growth within the Growth Network, is there a need to amend the boundaries of any of the Regeneration Corridors in the existing Core Strategy? Yes/No**

**Question 11a – Do you support Strategic Option 1A? Yes/No. If yes, please explain why. If no, do you support Option 1B? Yes/No. If yes, please explain why.**

**If you support the release of further employment land for housing, what should the characteristics of these employment areas be?**

**Question 11b – Are there any current employment areas that might be considered suitable for redevelopment to housing? Yes/No**

BOC are concerned that *Strategic Option 1B – Restructure the Growth Network with more occupied employment land being redeveloped for housing in the Regeneration Corridors* could result in the inappropriate allocation of employment land for residential development. BOC are concerned to ensure any decision to reallocate employment land for housing fully recognises the constraints of existing commercial and industrial business, particularly their operational facility at Knowles Road, Wolverhampton WV1 2ET in respect of the potential for unacceptable noise impacts on incoming residents.

In particular, the *Economic Development Needs Assessment (EDNA)* reviews a number of employment sites in the plan area, including Site Ref.186 Lower Walsall Street (MU1), which is categorised in the EDNA as a "Housing Consideration". This site (MU1) is situated immediately to the north of the BOC site and is allocated in the *Bilston Corridor Area Action Plan (AAP)* for "mixed uses". It is described in the AAP as an "existing employment area of poor quality, where comprehensive redevelopment for housing is not likely to be deliverable, but where a mix of compatible uses could be appropriate, if well-designed".

BOC consider that housing and other similar mixed uses may not be appropriate within at least a 500 metre radius of their operational facility at Knowles Road, Wolverhampton WV1 2ET and object to any residential and mixed use allocations within this area.

The BOC operations at Knowles Road operate on a 24 hour basis and can generate significant levels of noise during the night time period, and these operations have the potential to impact upon the

amenity of incoming residents. If noise constraints are not adequately taken into account through the local plan process and inappropriately proximate residential development ultimately comes forward, this could place extra burdens and constraints on BOC's business causing it to modify its operations and impinge on its productivity and long term viability. This would be contrary to the guidance set out in the NPPF and NPPG, as follows.

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- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;*

The NPPG Paragraph: 006 Reference ID: 30-006-20141224 (our emphasis) states that:

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The subsequent NPPG section 'How can the adverse effects of noise be mitigated?' (our emphasis) states:

*'For noise sensitive developments mitigation measures can include avoiding noisy locations; designing the development to reduce the impact of noise from the local environment; including noise barriers; and, optimising the sound insulation provided by the building envelope. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development (see the guidance on design for more information).*

BOC therefore request that the Emerging Core Strategy takes these considerations into full account.

In conclusion, any policy allocations for such uses in close proximity to BOC's facility would need to be based on a sound evidence base including sufficient noise surveys that confirm existing noise levels are appropriate (particularly at night), and the surveys should be at a time and date agreed in advance with BOC in order to ensure that they are representative of BOC's full night time operations.

In the absence of such evidence, BOC object to any residential or mixed use allocations within a 500 metre radius of their operational facility at Knowles Road, Wolverhampton WV1 2ET.

#### **Question 49a - Policy DEL2 Managing the balance between employment land and housing**

In terms of Issues and Options question 49(a), BOC are strongly supportive of the retention of Policy DEL2 *Managing the Balance between Employment Land and Housing* which states that before considering the release of employment land outside areas identified for housing growth, the Council will ensure:

- Satisfactory arrangements for the relocation of existing occupiers to safeguard the existing employment base*
- That the development does not adversely effect the operation of existing or proposed employment uses*
- That the site is no longer viable and required for employment use.*

BOC strongly support the retention of Policy DEL2 as it is essential to ensuring that key existing businesses such as the BOC facility at Knowles Road, Wolverhampton WV1 2ET, which operate on a 24 hour basis, are protected in the longer term. BOC support this policy and its retention irrespective of overarching site allocations because it is able to consider more fine-grain site specific matters than a wider allocation.

In this regard, BOC are particularly concerned that housing may not be appropriate within at least a 500 metre radius of their operational facility at Knowles Road, Wolverhampton WV1 2ET and object to any residential allocations within this area. Any housing proposals within this area would need to be based on sufficient noise surveys confirming that existing noise levels are appropriate (particularly at night) and policy DEL2 can provide that safeguard through criterion 2.

The BOC operations at Knowles Road operate on a 24 hour basis and can generate significant levels of noise during the night time period, and these operations have the potential to impact upon the amenity of incoming residents. If noise constraints are not adequately taken into account through the local plan process and inappropriately proximate residential development ultimately comes forward, this could place extra burdens and constraints on BOC's business causing it to modify its operations and impinge on its productivity and long term viability. This would be contrary to the guidance set out in the NPPF and NPPG, as follows.

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BOC therefore request that the Emerging Core Strategy takes these considerations into full account.

Where noise surveys are to be undertaken, BOC request that they are informed in advance of the proposed survey times to ensure that the results are fully reflective of BOCs regular operations. BOC reserve the right to comment on the adequacy and reliability of such surveys once they have been submitted.

In addition the costs of relocating a BOC operational facility which has specialist purpose built

equipment are such that relocation is unlikely to be possible and the policy should recognise that such facilities cannot easily relocate and will therefore need to receive adequate in situ protection.

**Review of Existing Core Strategy Policies and Proposals**

**Policy EMP2– Strategic High Quality Employment Land and Policy EMP3 – Local Quality Employment Land (Questions 51-53)**

**Question 51 – Do you think that the criteria used to define Strategic High Quality Employment Areas are appropriate and reflect actual market requirements? Yes/No; If not, how do you think the criteria and/or terminology should be amended?**

**Question 52 – Do you think that the criteria used to define Local Quality Employment Areas are appropriate and reflect actual market requirements? Yes/No; If not, how do you think the criteria and/or terminology should be amended?**

**Question 53 – Do you think that Strategic High Quality Employment Areas should continue to be protected for manufacturing and logistics uses, with the other uses set out in Policy EMP3 discouraged? Yes/no; If not, what alternative approach do you recommend?**

The BOC site is currently within a designated Local Quality Employment Area defined in Policy EMP3 as “characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to local markets and employees”.

Policy EMP 3 states:

*“These areas will provide for the needs of locally based investment and will be safeguarded for the following uses:*

- *Industry and warehousing*
- *Motor trade*
- *Haulage and transfer depot*
- *Trade wholesale retailing and builders merchants*
- *Scrap metal, timber, construction premises and yards*
- *Waste collection, transfer and recycling uses”.*

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BOC are fully supportive of the main thrust of policies EMP2 and EMP3 in that they seek to protect employment land. Whilst the BOC site at Knowles Road, Wolverhampton WV1 2ET has an allocation under EMP3, they contend that their operations are within a critical sector of the economy and are worthy of a higher level of protection.

In this regard they could be considered as falling within the ‘high technology based sector’ and therefore allocation under policy EMP2-Strategic High Quality Employment Land.

Any review of EMP2 and EMP3 should recognise the strategic nature of the BOC site and the important role it performs, and provide it with adequate protection..