

Blackbrook Valley Area LDO – Summary of Issues Raised at Consultation and the Council’s Response

RESPONDENT	ISSUES RAISED	COUNCIL’S RESPONSE
1. Saltwells LNR (Dudley MBC)	<p>a) Support the need for Ecological Surveys and joined up GI/ Wildlife Corridors</p> <p>b) Sites 5b and 5c have been surveyed – they have significant wildlife value</p>	<p>a) Support noted</p> <p>b) Any impacts on nature conservation will be the subject of an Ecological Survey with appropriate recommendations on mitigation and compensation as necessary</p>
2. Land Contamination (Dudley MBC)	Draft LDO has successfully covered the land contamination issue	Comments noted
3. Brian Tilt (Director Compact Manufacturing/ Compact Fork Trucks, Peartree Lane)	Fully support the core purpose of the Order – to deliver area based economic growth through a simplified planning regime	Support noted
4. Councillor E Taylor	Comments on the road access infrastructure – section of the Dudley Southern By-Pass at Cinder Bank Island is already gridlocked – are there plans for traffic lights there?	Potential highway improvements to the Cinder Bank roundabout are currently being investigated by the Council – outside of the scope of the LDO
5. Councillor R Buttery	<p>a) Assume residents in the area have been consulted</p> <p>b) If not all the area was suitable for industry/offices – could it be reallocated for housing?</p>	<p>a) Consultation was carried out in accordance with the relevant stipulations of the SCI, this included Site Notices being put up throughout the LDO Area. In addition:-</p> <ul style="list-style-type: none"> • there are no dwellings within the LDO Area, • any development within 15m of the curtilage of a dwelling cannot be permitted through the LDO process – <i>Schedule 2 Part 2 (c)</i> • there is a Standard Condition relating to environmental protection to help safeguard residential amenity – <i>Schedule 4 Condition 3</i>

		b) the focus is on implementing industrial development in accordance with the policies and land use allocations of the Local Plan
6. Coal Authority	There is a significant coal mining legacy in the area- Standard Condition 4 (Land Contamination Condition) to also refer to coal mining legacy/ land instability to be properly assessed and appropriate remedial/mitigation measures are proposed	Schedule 4, Condition 4 has been amended to reflect these comments
7. Canal and River Trust (CRT)	The Trust owns and maintains Dudley Canal no. 1 , including the Grazebrook Arm and Dudley Canal no. 2 (The Pensnett Canal is not owned by CRT) There is a concern about development close to the waterway interface, particularly the digging out of foundations which may affect the structural integrity of the canal network – increased pd rights may result in this without the usual controls in place. Therefore propose:- a) An Exclusion Zone around the canal network where the LDO would not apply b) Schedule 2 (Limitations), 2 a) – a restriction in height of 8 m within 5 m of any canal boundary c) Schedule 2 (Limitations), 2 d) – no boundary treatment higher than 2 m where it adjoins a boundary with the canal/ CA d) CIL – should apply – to provide improvements to the canal network e) Schedule 3 (Application Requirements) 3 b) – ground condition statement – details of	a) This would remove a significant part of the LDO area from the potential jurisdiction of the LDO, not only lessening its coverage, but also its overall applicability and profile – it would also be difficult to determine whether a proposal encroached into this area b) Agreed - Schedule 2 Part 2 a) amended to reflect comment c) Agreed – Schedule 2 Part 2 d) amended to reflect comment d) The Council’s CIL Charging Schedule does not apply to industrial development within the Borough – it would be contrary to the aims of the LDO if it were to apply to this form of development only within the LDO Area e) Agreed – Schedule 3 Part 3 b) amended to reflect f) This is a requirement of the Standard Landscape and Nature Conservation (7 [b]) of Schedule 4

	<p>pollution prevention measures should be required as well as potential impact on land stability, particularly with regard to canal basins</p> <p>f) Schedule 3 (Application Requirements) 3 d) – maintenance and management of landscaping should be required as part of any landscape scheme</p> <p>g) Schedule 3 (Application Requirements) 3 f) – Ecological Survey should be required for any development within 50 m of the canal network or Dudley Tunnel</p> <p>h) Canal Infrastructure Impact Assessment (CIIA) – shall be a requirement of any submission falling within a buffer zone centred on the canal network (plan provided – to be attached as an Appendix to the LDO) – detailing construction methods, earthmoving and excavation, foundation and drainage details – evidencing that the proposal does not adversely impact on the water quality or structural integrity of the canal network</p> <p>i) Schedule 4 (Standard Conditions) – additional condition required – that development be carried out in accordance with the CIIA and agreed by CRT</p> <p>j) An Informative is required with regard to any surface water discharge into the canal network</p>	<p>g) Agreed - Schedule 3 Part f amended to reflect comment</p> <p>h) This would be overly onerous on the applicant to factor in, moving away from the aims of the LDO in providing a simplified planning regime. Also these requested requirements largely fall outside the scope of planning towards Building Regulations and Surveying/Legal in the case of structural damage to any adjoining property</p> <p>i) Considered unnecessary and over-burdensome given the above response</p> <p>j) Agreed – Informative added to reflect comment</p>
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<p>8. Environment Agency</p>	<p>a) There are no main rivers or Flood Zones within the LDO Area – the Blackbrook does however have surface water flows – therefore the requirement for a 30% reduction in surface water runoff is welcomed (Schedule 4 (Standard Conditions) 5 (C))</p> <p>b) There is the potential for contamination to be present which could impact on controlled waters – this risk needs to be understood by applicants and safely managed</p>	<p>a) Comment noted</p> <p>b) Agreed – Schedule 3 Part b) (Ground Condition Statement) amended to also refer to impact on controlled waters</p>
<p>9. Development Management (Dudley MBC)</p>	<p>a) Include extensions and new buildings in permitted works - Schedule 2, 1 (B)</p> <p>b) Materials – exclude temp buildings rather than require high quality spec - Schedule 2, 2 (e)</p> <p>c) Attaining BREEAM “Very Good” to be guidance rather than a requirement - Schedule 2, 2 (f)</p> <p>d) Development not permitted to include any future CAs – Schedule 2, 3 (d)</p> <p>e) Reference to be made to existing and abandoned railway lines and sidings and embankments rather than Midland Metro (MM) Consideration Zone – Schedule 2, 3 (h)</p> <p>f) Development not permitted – “primarily” comprising open storage – Schedule 2, 3 (i)</p>	<p>a) Agreed - Schedule 2 Part 1 (B) amended to reflect comment</p> <p>b) Agreed – Schedule 2 Part 2 (e) amended to reflect comment</p> <p>c) Agreed – Schedule 2 Part 2 (f) removed – the attainment of BREEAM Very Good now Guidance (Schedule 3 Part 4 (c))</p> <p>d) Agreed – Schedule 2 Part 3 (d) amended to reflect comment</p> <p>e) Agreed – Schedule 2 Part 3 (h) now (i) amended to reflect comment</p> <p>f) Agreed – Schedule 2 Part 3 (i) now (j) amended to reflect comment</p> <p>g) EIA Screening Request to remain a requirement of all submissions – the LPA will determine if a proposal falls below the EA thresholds or exceeds the thresholds but the nature of the development results in an</p>

	<p>g) EIA Screening Request only required where the EIA thresholds are exceeded and not in every instance – Schedule 3, 3 (a)</p> <p>h) Ground Condition submission requirement to include a Coal Mining Risk Assessment</p> <p>i) An FRA also required for development with Flood Zone 1 in an “area of critical drainage” – Schedule 3, 3 (e)</p> <p>j) SuDS to be a requirement of any scheme (rather than guidance) – unless impractical - Schedule 3, 3 (e)</p> <p>k) Requirement to require development to be “primarily” carried about within a building – delete reference preventing processes to be carried out in the open air- Schedule 4, 3 (A)</p>	<p>EA not being required, or that an EA is required – if the latter is concluded then the LDO process cannot be undertaken</p> <p>h) Agreed – Schedule 3 Part 3 b) amended to reflect comment</p> <p>i) Agreed – Schedule 3 Part 3 e) amended to reflect comment</p> <p>j) Agreed – Schedule 3 Part 3 e) amended to reflect comment – SuDS now a requirement – deleted from the guidance (previously at Schedule 3 Part 4 (b))</p> <p>k) Agreed – Schedule 4 Part 3 (A) amended to reflect comment</p>
10. Highways England	Content that traffic will be relatively well dispersed across the road network, having little direct implications for nearby M5 Junctions 2 and 3. Also mindful of the important role that the MM Extension will have providing a sustainable transport alternative.	Comments noted
11. Historic England	No comments – seek the views of DMBC specialist conservation and archaeology advisors	Comments noted
12. Transport (Dudley MBC)	A significant number of cyclists use the canal network to travel to work, which includes part of the National Cycle Network (NCN) (Route 54). Also development of the MM Extension will facilitate further sustainable travel options –	Comments noted – <i>cycle parking emphasised as a requirement of the Highways Condition – Schedule 4 Part 6 (C)</i>

	therefore consider improved access provision for cyclists and pedestrians to the proposed stops	
13. Severn Trent	No specific comments- note that ST offer a 100% discount on the sewerage infrastructure charge if no surface water connection and 75% Discount if the connection is via a SuDS	Comments noted – <i>gives additional justification to SuDS being a requirement under Schedule 3 Part 3 e)</i>