

Local Plan Representations

For Pegasus Grab Hire | 23-100

Dudley Local Plan Regulation 19 Consultation

Project: 23-100
Site Address: Bott Lane, Lye
Client: Pegasus Grab Hire
Date: 28 November 2024
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Contents

1.	Introduction	1
2.	National Planning Policy and Guidance	3
3.	Response to Policies	5
4.	Proposed Omission Site	12

Appendices

EP1. Site Location Plan



1. Introduction

- 1.1 Emery planning is instructed by our client, Pegasus Grab Hire Ltd, to submit site specific representations to the Dudley Local Plan regulation 19 consultation. These submissions relate specifically to our client's land interests at Bott Lane, Lye, Stourbridge ("the site"), part of which is currently used as an aggregate sorting and recycling facility A site location plan is provided at Appendix EP1.
- 1.2 This statement supports the allocation of our client's site within the emerging Dudley Local Plan for employment use, reflecting the established and successful Pegasus Group operations taking place on site as an active aggregate sorting and recycling facility. This submission builds on the previous submission made to the Local Plan consultation process in respect of this site.
- 1.3 The land at Bott Lane currently benefits from temporary planning permission for the use as an aggregate sorting and recycling facility until 2026 (ref. P20/1801) and other parts of the land within our client's control have existing use rights for waste recycling. The remainder is currently vacant but available for expansion and diversification of the existing facilities and businesses.
- 1.4 The facility has and continues to provide significant local employment benefits as well as being an integral part of local and regional efforts to reduce carbon emissions and the reliance on natural resources. It is considered that there are no constraints in terms of the connections to local services and infrastructure which would prevent the continued use of the site for employment purposes. It is considered that the continued and permanent operation of our client's business from this site will contribute to and be complimentary to the regeneration objectives of the plan and assist with delivering wider sustainability and development objectives. The objective is to expand and improve the existing facilities at the site and further improve the range of recycling functions provided by Pegasus. This also provides the opportunity to deliver improvements with respect to how the site operates and its interaction with the amenity of neighbours through the provision of improved landscaping and boundary treatments and the refinement of the operational areas, all of which are currently compromised through the operation under a temporary consent. The positive role that Pegasus plays in the local community and economy can be summarised as follows:
 - Pegasus recycles and diverts over 150,000 tonnes of recovered material a year. (reduces carbon footprint etc).
 - Pegasus produce and deliver 15,000 CM3 of concrete made from recycled aggregate per year.
 - Pegasus work on both electric and gas utility contracts and layer new services and also cover the midlands on all gas escapes assisting the repairs and reinstatement.



- The whole of the Pegasus vehicle fleet is under 3 year old, making it one of the lowest emission companies in the country.
- Pegasus employs 250+ staff, the majority from the surrounding areas.
- Pegasus supports local community projects such as Lye community centre and the Mary Stevens Hospice.
- Pegasus sponsors the Dudley Majors charity every year.
- Pegasus supply skips and material to the local community project. In 2024 so far there have been over 50 skips and 100t of material provided to these projects.
- Pegasus supports a huge range of local construction companies big and small, who us its recycling centre in Lye.



2. National Planning Policy and Guidance

National Planning Policy Framework

- 2.1 The Framework sets out the Government’s planning policies for England and how these are expected to be applied. The purpose of the planning system is to contribute to the achievement of sustainable development. The Framework, taken as a whole, constitutes the Government’s view of what sustainable development in England means in practice for the planning system.
- 2.2 Imminent changes to the framework seek to build in the existing principle but to also significantly increase both housing and employment provision as well as delivering the Government’s objectives of utilising the development industry and in particular improvements to infrastructure provision and regeneration projects to boost the economy. The changes remain in draft at the time of drafting this statement and therefore, this submission has regard to the adopted framework. However, it is clear that the direction of travel and government intentions would not undermine our client’s objectives for this site.
- 2.3 Paragraph 11 requires plans and decisions to apply a presumption in favour of sustainable development. For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to meet the development needs of their area, align growth and infrastructure, improve the environment, mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 2.4 Paragraph 35 provides the following in relation to soundness:

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:



- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs²¹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

National Planning Practice Guidance

- 2.5 The PPG was launched in March 2014. It replaced a number of practice guidance documents that were deleted when the PPG was published. Local Plan making is addressed under Section 12 of the most recent version of the PPG. The relevant sections are referred to in our representations.



3. Response to Policies

Dudley Local Plan – Part One – Spatial Strategy and Policies

Policy DLP1 Development Strategy

- 3.1 Policy DLP1 states that to deliver sustainable growth the plan will need to deliver the development of at least 22.6ha employment land, this represents a reduction in the minimum level of employment land to be delivered from the Regulation 18 consultation version of the Plan. The policy states the strategy seeks to deliver sustainable patterns of development with growth focused on the borough’s centres and regeneration corridors.
- 3.2 The focus of further growth and development within the borough’s centres and regeneration corridors is supported. However, the proposed level of delivery of employment land within the borough is considered insufficient, particularly in light of the reduction in the proposed delivery of employment land from the previous consultation version of the document. This is considered further below, within the context of policy DLP18.

Policy DLP2 Growth Networks: Regeneration Corridors and Centres

- 3.3 The regeneration corridors identified under Policy DLP2 will accommodate strategic and local employment areas and the principal location for new industrial and logistics development as well as the new homes required within the borough over the plan period.
- 3.4 Table 5.3 provides a summary of the opportunities and vision for each of the proposed regeneration corridors. Our client’s land interests are located within RC3 Stourbridge to Lye. The vision for RC3 refers to the design code and masterplan which is currently being prepared by the council and which we have engaged with on behalf of our client as it has evolved.
- 3.5 As currently prepared it is considered that the regeneration corridors are not protecting existing employment land and properly identifying the positive role that existing employers play in the economy of the Borough. Our client’s land interests at Bott Lane have been excluded from the identified local quality employment areas. This is inconsistent with the current draft of the Lye and Stour Valley masterplan. The masterplan acknowledges that the Engine Lane / Bott Lane area currently operates well as an area of employment and recommends that the existing employment use is retained for the foreseeable future. The regeneration corridors should be consistent with the more local level studies and plans that have been prepared.



Policy DLP18 Economic Growth and Job Creation

- 3.6 The most recent Black Country Economic Development Needs Assessment (EDNA) – 2023 update confirms there is a shortfall in employment land within the borough of 73ha. This situation is echoed across the remaining Black Country authority areas.
- 3.7 Whilst Policy DLP18 seeks to address the shortfall through the delivery of at least 72ha of employment land over the plan period, the plan seeks to achieve this goal through the delivery of 21ha of new employment land on allocated Employment Opportunity Sites, enhancement redevelopment and intensification of existing employment areas and the duty to co-operate. However, there remains a significant imbalance between the areas identified through the draft plan and evidence base suggesting there is a need for a 3 fold increase on what is currently being promoted. The EDNA identifies a current shortfall at a significant level at present and the proposed plan going forward does not seek to allocate land in addition to meet future growth needs in addition. This becomes especially important where there is a parallel increase in housing and the likelihood that those housing needs will increase further going forward. There needs to be a balanced approach to the provision of employment land alongside other development provisions to ensure that the potential investment in the local economy is not lost.
- 3.8 Failing to meet the identified need for employment land will cause significant harm to the local economy. Businesses will not be able to invest and grow in the borough, and jobs growth will be curtailed to the detriment of residents. This is precisely the situation our client is facing with the uncertainty surrounding the current temporary use and it is frustrating the growth and development of a successful, forward thinking and highly valued local business. There will also likely be an impact on commuting patterns or alternately the uptake of residential allocations as either residents of the area travelling further distances outside of Dudley to pursue work opportunities and take the related economic activity with them, or alternatively residential development looks to establish itself closer to more available employment opportunities where commuting distances are less and available economic spend is greater.
- 3.9 The council should be allocating additional employment sites and protecting existing employment sites, such as our client’s site, allocating them as Local Employment Areas providing landowners with the certainty they need to invest in sites to deliver the intensification and enhancement to existing employment sites which is required to meet the borough’s employment land needs over the plan period.

Policy DLP75 Waste Infrastructure – Future Requirements

- 3.10 Policy DLP75 identifies a need for additional waste management capacity to be delivered within the borough over the plan period. The Dudley Waste Study (2023) was prepared following abandonment of



the Black Country Core Strategy, and an updated waste needs assessment has been prepared to support the preparation of the emerging local plans of each of the back Country Authority areas.

- 3.11 The Waste Study identifies a shortfall in capacity taking account of known closures of existing waste sites within the borough over the plan period. In addition, this shortfall is expected to increase as a result of the level of housing and other growth proposed over the plan period.
- 3.12 Whilst the policy sets out considerations for new waste management facilities, the policy fails to protect and allow for the development of existing sites which make a significant contribution to the existing and future capacity within the borough such as our client's interests at Bott Lane. This is especially frustrating in the context of Pegasus Group who are at the forefront of recycling initiatives through the use of modern and emerging waste technologies. Their operations provide a critical service to local infrastructure and utilities operators and do so at a level of sustainability and recycling, which is at the very top of the industry, thereby improving Dudley's sustainability. Supporting this operation and planning for its future should be a primary objective of the plan, in respect of this site and local area.

Policy DLP76 Waste Sites

- 3.13 The Policy seeks to protect all existing strategic and other lawful waste management facilities to protect and maintain existing levels of waste management capacity from inappropriate development.
- 3.14 Paragraph 17.21 of the supporting text which accompanies the policy defines a strategic waste management site as:
- a) all facilities that form a vital part of the borough's municipal waste management infrastructure, e.g. energy from waste plants, waste transfer facilities and HWRCs, depots.
 - b) all commercial waste management facilities that fulfil more than one local role, e.g. they are part of a nationwide or regional operation linked to other facilities elsewhere and take in waste from all over the borough and / or beyond.
 - c) all commercial facilities specialising in a particular waste stream or waste management technology, of which there are no others, or very few other of the same type operating elsewhere in the borough.
 - d) all facilities likely to make a significant contribution towards existing waste management capacity.
 - e) a site with sufficient capacity to recover, treat or dispose of at least 20,000 tonnes of waste per annum.
 - f) a facility forming part of the UK's network of installations for waste disposal, such as landfill sites.



g) a hazardous waste recovery facility of sufficient size to qualify as a Nationally Significant Infrastructure Project (NSIP).

- 3.15 As drafted, the plan contradicts this policy and fails to protect existing waste facilities through the allocation of sites within the plan, as our client's site has not been allocated within the plan as an existing or potential / future waste site, despite meeting a number of the criteria set out under paragraph 17.21 of the plan.
- 3.16 Paragraph 17.26 of the justification and supporting text which accompanies the policy acknowledges that representations have been made to the Local Plan on behalf of Pegasus Grab Hire Ltd in respect of land at Bott Lane and which benefits from a temporary consent for use as an aggregate sorting and recycling facility. As per our previous representations, it remains the intention of our client to secure a permanent consent to enable the continued operation of the site, they are currently in the process for preparing a masterplan for the site and this will be shared with the LPA at the earliest opportunity, with the intention of progressing pre-application discussions (which have already been initiated), early in 2025, the objective of which is to secure a permanent consent for our client's operations on an expanded site ahead of the end date of the current temporary consent in 2026.

Policy DLP77 Preferred Areas for New Waste Facilities

- 3.17 Policy DLP77 identifies the preferred location for new waste management sites as being the Local Employment Area as shown on the proposals map and Waste Key Diagram.
- 3.18 Paragraph 134 of the supporting text which accompanies the policy states:

To have sufficient confidence to allocate a site for a specific waste use, it would need to be actively promoted for waste management use by a waste planning authority, a landowner, or a commercial waste operator. To date, the Council has received one representation from an existing commercial waste operator seeking permanent planning permission for a site that currently benefits from temporary planning permission. This is reflected under Policy DLP76.

- 3.19 Our client has previously made representations, responded to call for site's exercises and actively engaged in the Lye Valley master planning process in an effort to secure an allocation as a waste site. We have also commenced pre application discussions on the preparation of an application for permanent and expended consent, as referred to above. Through engagement with officers, through the master planning process, application process (in securing their current temporary consent) and pre-application process, our client have made clear their intentions and commitment to maintain a long-term presence at the site. Through our client's investment and commitment to the continued improvement of the site and its operation they are making a significant contribution to the economy and sustainability agenda within Dudley. The Policies



should be updated to identify our client’s land interests as both an existing and proposed commitment for waste management facilities, reflecting the existing use and the longer-term proposals for the site.

Policy DLP78 Locational Considerations for New Waste Facilities

- 3.20 The requirements set out under policy DLP78 are highly prescriptive and are overly onerous for applicants as set out below, where the conclusion suggests that waste facilities are almost anticipated to be in isolated locations.
- 3.21 Whilst the policy sets out numerous considerations in terms of the potential impacts of waste operations, no consideration is given to the locational requirements of new waste facilities in relation to the operators, customer base, locations where the source arises and in the case of our client, where the recycled products are then re-used and the wider sustainability impacts of this.
- 3.22 Our client’s current operations at Bott Lane are located centrally to the majority of their customer and employee base, with the benefit of minimising vehicle movements and journey times to access their facility. The site was chosen to address the requirement to serve the numerous utilities operators who form a major part of our client’s customer base and who require urgent assistance at short notice to carry out utility repairs to ensure as little disruption to their network as possible, whether this be power, telecoms, transportation/highways or water utilities. This critical service is improved with a location that offers easier and closer access to where the service needs to be provided throughout Dudley and the West Midlands. Similarly, our client is centrally located to a customer base who access their recycling services, and the combination of these factors significantly cuts down on ‘road miles’ both in terms of the services provided and for Pegasus’ workforce. A more remote location also brings with it the potential for less suitable access in terms of the road network once out of the immediate area the business currently serves.

Policy DLP80 Mineral Production – Requirements

- 3.23 In respect of construction aggregates and secondary and recycled aggregates, Policy DLP80 states as a minimum the council will aim to maintain permitted production levels throughout the plan period.
- 3.24 The Dudley Minerals Study 2023 identifies Dudley as a likely net importer of secondary and recycled aggregates and highlights the importance of safeguarding and retaining existing secondary and recycled aggregate capacity within the borough to maintain this position.
- 3.25 What is more, table 2.1 of the Dudley Minerals Study (2023) identifies sites within the borough managing recycled and secondary aggregates. Table 2.1 is reproduced below for ease of reference.



Site	Operator	Throughput (tonnes per annum)	Comments
Bell Recycling Centre Oak Lane, Kingswinford	Bell Recycling Ltd	~9,000	Operational
Oak Farm Aggregates Oak Farm Clay Pit (Quarry), Crooked House Lane, Himley	M & A Doocey Ltd	~20,000	Inactive recycling site Planning permission (P13/0893) was granted retrospectively during January 2014 to produce recycled aggregate from
			imported waste (excavated road stone from road repairs etc) to then use on-site in producing concrete used as road sub base.
Pegasus Grab Hire Land South of Bott Lane, Lye, Stourbridge	Pegasus Grab Hire Limited	75,000	Temporary planning permission for aggregates recycling granted in 2018 and 2021 (currently due to expire in 2026).
Pegasus Skip Hire Timmis Road, Stambermill Estate, Lye, Stourbridge	Pegasus Skip Hire Ltd (formerly Regen R8 Limited)	10,000	Operational / active recycling site Mainly accepts inert and CDEW, but not all throughput thought to be recovered as re-useable aggregate.

3.26 Our client's current operations at Bott Lane clearly make a significant contribution to the Borough's capacity for managing recycled and secondary aggregates. The specialist and progressive nature of the plant and systems that they have invested in also make a significant contribution to carbon reduction in the Borough with aggregates for instance now achieving 99% recyclability through the investment in modern technology that our clients have made.

3.27 Policy DLP80 seeks to maintain the current level of production of secondary and recycled aggregates over the plan, however, this would not be possible without the continued operation of the existing facility at Bott Lane, beyond the timeframe of the existing temporary planning permission, especially as our client's facility alone has approaching 3 times the capacity of the other facilities set out above combined.

Policy DLP81 Minerals Safeguarding



- 3.28 The Policy acknowledges the economic importance of minerals within the borough. In terms of new minerals infrastructure sites which may come forward, the policy states such sites will also be subject to the provisions as set out in policy DLP81.
- 3.29 Within the supporting text and policy justification, Figure 18.1 and Table 18.2 identify the existing minerals sites within the borough which require safeguarding. This includes our clients' interests at Pegasus Skip Hire, Timmins Road, which is located to the east of their interests at Bott Lane.
- 3.30 As set out above as part of the consideration of daft Policy DLP80, our client's operations at Bott Lane make a significant contribution to the borough's capacity for managing recycled and secondary aggregates. In fact, it is the Bott Lane site and not the Timmis Lane site, which is the fundamental operation when viewed in the context of the table in connection with Policy DLP 80 as set out above. It is therefore considered that the site should be safeguarded and identified through the plan as forming part the boroughs minerals infrastructure given the fundamental role that it plays.



4. Proposed Omission Site

Site location and description

- 4.1 The site comprises the existing premises of Pegasus Grab Hire Ltd, with the existing use for the recycling of aggregate material. There is additional land beyond the current operational area to the North and as shown on the site location plan at EP1, which is the area identified for future improvements to the business. This land is largely flat and a mixture of hard and loose surfaces, bounding the Vanguard Foundry. The site was initially granted temporary planning permission for a three-year period under application P18/0218. A further application for the continued use of the site and the installation of a new aggregate washing and sorting facility was granted for a further temporary period of 5 years under planning permission reference P20/1801. The further temporary consent requires cessation of the use on or before the 1 September 2026.
- 4.2 Since the grant of planning permission P18/0218, the site has been occupied by our client and been fully operational as an aggregate sorting and recycling facility. Since commencement of operations on site, the site has operated without causing significant harm to the amenity of nearby existing residential properties. When any concern has been raised, our client has been open to dialogue to seek a resolution of any concerns raised.
- 4.3 The primary reason for temporary consents being granted on this site was because the LPA did not want to prejudice the delivery of the site for housing which had been identified through previous local plan processes. Our client made submissions to previous local plan consultations and through the applications that housing would not be deliverable on this site for numerous reasons relating to suitability, viability, deliverability and the view of landowners who wished to continue with well-established and ongoing employment uses. It is noted that this emerging plan no longer has the specific housing allocation, and it has been acknowledged that housing would not be deliverable on this site within the current and next plan periods. This change is significant and welcomed, reflecting the long standing and established employment provision at the site
- 4.4 In compliance with the conditions of planning permission P18/0218 and P20/1801, the applicant has been required to make improvements to the site and site management procedures. Such improvements to the site include the provision of:
- Acoustic fencing to the site's eastern boundary;
 - Provision of a 3m noise attenuation earth bund;
 - Provision of an electric vehicle charging point; and



- The implementation of a dust suppression and management plan including the provision of wheel wash systems, closed mesh netting to the site boundary, water sprinkler suppression systems and highway cleaning.

- 4.5 Following the grants of planning permission our client has made significant investments in the site in providing the mitigation measures required in accordance with the planning permissions and in the delivery of the state-of-the-art aggregate washing and sorting facility which has resulted in the creation of local employment opportunities and the diversion of waste from landfill, assisting the council in meeting their wider economic and environmental objectives.
- 4.6 Our client would apply the same modern principles to the expansion within the wider site which also provides opportunities for further enhanced mitigation in terms of landscaping and management of any amenity impacts both for existing and future operations and expansion. The objective would be to maintain the operational elements of the facility within the central areas of the site and utilise the peripheral areas for ancillary uses such as staff and vehicle parking, storage, administrative areas as well as allowing enhanced mitigation where necessary along the boundaries.
- 4.7 The site is sustainably located, being within easy access of a range of methods of public transport. The site is located approximately 200m to the west of Lye train station, with bus stops located on Engine Lane to the east of the site providing a regular service (every 20 minutes) between Dudley, Lye, Stourbridge and Wollaston.
- 4.8 The site is also well located to serve its primary customer base both within this area of the West Midlands and beyond, especially given the proximity of a number of commercial premises and industrial estates.
- 4.9 Additionally, the company provides services to a number of public bodies in the locality which also rely on the ease of access which this location provides for the company to address their requirements. The location of the business in respect of its customer base is another element of locational sustainability that is equally as important as the accessibility of the site for employees.
- 4.10 The immediate site surrounds are primarily characterised by commercial activity, with various commercial and industrial uses taking place in the area immediately surrounding the application site. To the north of Bott Lane is the Vanguard Foundry and vehicle salvage yard. To the west of the site is an existing substation, and the Stambermill industrial estate, which is identified within the plan as a local quality employment area. Furthermore, our client has land interests to the east located off Timmins Road, comprising Pegasus Skip Hire, which is identified through the draft plan as forming part of the existing minerals infrastructure within the Borough under draft Policy DLP81.
- 4.11 The site is bound to the south by the railway line, beyond which are numerous commercial buildings, including Environcom Recycling Ltd who recycle household electricals on site.



4.12 To the east is Engine Lane where there are a mix of small commercial units located along its route together with a small number of dwellings located approximately 150m from the application site.

Proposed allocation

4.13 It is our client's intention to seek planning permission for the permanent use of the site at Bott Lane as employment land in connection with aggregate sorting and recycling facilities and to seek consent for an amalgamation and extension onto other adjacent sites that are within their control. A masterplan is currently being prepared for the wider development of the site.

4.14 The site is in a sustainable location with easy access of a range of methods of public transport. It is located approximately 200m to the West of Lye train station, with bus stops located on Dudley Road to the east and providing a regular service every 20 minutes.

4.15 The site is also well located to serve its primary customer base both within this area of the West Midlands and beyond, especially given the proximity of a number of commercial premises and industrial estates. Additionally, the company provides services to a number of public bodies in the locality which also rely on the ease of access which this location provides for the company to address their requirements. The location of the business in respect of its customer base is another element of locational sustainability that is equally as important as the accessibility of the site for employees. The business has and continues to help address the need for economic growth in regeneration areas.

4.16 The site is located in an area which is primarily characterised by commercial activity, with various commercial and industrial uses taking place in the area immediately surrounding the application site. To the north of Bott Lane is the Vanguard Foundry and vehicle salvage yard. To the west of the site is an existing substation, and the Stambermill industrial estate. If the site were to be reallocated as Local Employment Land, it would continue the Local Employment Land to the west which it adjoins.

4.17 The site had previously formed part of a wider draft residential allocation within the now abandoned Draft Black Country Plan. Representations were made to the Draft Black Country Plan raising serious concerns in respect of the site's suitability for residential development, particularly as the draft allocation indicated the Vanguard Foundry located immediately to the north of Bott Lane and our client's site would be retained. The residential development of the site would be fundamentally incompatible with the continued use of the foundry and other heavy industrial operations taking place within the locality which have also shown no indication of a desire to relocate.

4.18 The Dudley Borough Development Strategy (DBDS) (2017) identified the site as being located within regeneration Corridor 13, and specifically within allocation H13.26 identifying a range of potential development options including industrial, residential and mixed use. Clearly prior to the progression of the



Black Country Plan, Dudley Council had considered the site and wider area as an appropriate location for employment uses.

- 4.19 The council are currently in the process of preparing the Lye and Stour Valley Masterplan Design Code. Our client has actively engaged in the master planning process, and the plan as currently drafted identifies our client's land interests as proposed for industrial / employment use as part of the Masterplan to reflect our client's current operations and their longer-term aspirations for the redevelopment of the wider site.

Site assessment

- 4.20 The assessment of our client's site at Bott Lane (ref: SA059) indicates that the site is suitable for employment use and should be retained for employment. The assessment concludes:

Part of the site (Pegasus Grab Hire) has been granted planning consent to continue operations on site until 01/09/2026 and for a new aggregate washing facility. As such, it is considered that employment uses at this location are considered suitable in the short term and the existing housing allocation is removed. However, as part of the BEAR, this site was scored below the threshold to be considered a Local Employment Area. As such, it is considered suitable that this site be an Other Employment Site within the Local Plan. Not suitable for Employment Development Opportunity site given existing waste uses.

- 4.21 The Black Country Employment Area Review (BEAR) dated July 2021 assesses the site as being suitable and available for release from employment use. Since the assessment of the site through the BEAR our client has made significant investments in the site infrastructure to deliver a state-of-the-art aggregate sorting and recycling facility and the BEAR assessment is considered to be outdated.
- 4.22 The most recent assessment of the site as part of the council's site assessment, dated 2023, considers the site a suitable location for employment, however the overall conclusion is skewed by the findings of the aged BEAR (2021) report which does not reflect the nature of the current operations now on site, the significant investment already made by our client, nor the opportunity to enhance this provision through our client's adjacent land interests. The site is a primary part of the Pegasus business and as set out above, Pegasus employs up to 250 people primarily in the local area. We consider that this level of employment should be considered as an employment opportunity as the intention is to extend the business into the currently under utilised area and create further jobs growth.



Planning considerations

Policy DLP2 Growth Network: Regeneration Corridors and Centres

- 4.23 Policy DLP2 aims to deliver new housing, and employment uses within regeneration corridors. The employment use of the site would not be detrimental to the policy as it would still generate sustainable development within the borough. Our client's operations also support the delivery of housing within the Borough through being an integral part of the local construction industry.
- 4.24 The site at Bott Lane is currently in an employment generating use and comprises an existing aggregate sorting and recycling facility. As outlined above, the site benefits from a temporary planning permission (ref: P20/1801) for the current operations on site, with our client looking to obtain a permanent planning permission to secure their continued use of the site.
- 4.25 The site is in a sustainable location and has continually provided jobs since the granting of planning permission for its current use. The existing use merges well with the surrounding facilities, such as Environcom Recycling Ltd who recycle household electricals on site, Vanguard Foundry and vehicle salvage yard and the Stambermill industrial estate. It is easily accessible to its customer base and employees, including public bodies in the locality which rely on the ease of access. The waste facility is in a highly sustainable location and helps to meet the economic growth objectives in line with Policy DLP2.
- 4.26 The site currently forms employment land which is fully operational and is not underused or of poor quality, furthermore, our client has made significant investments in the site and is committed making future investment. Additionally, there is a shortfall of employment land which the wider site can help to address.
- 4.27 The continued use of the site for recycling would not conflict with Policy DLP2.

Policy DLP75 Waste Sites

- 4.28 The Waste Study 2023 found that the Black Country is currently short of recycling sites. Housing and employment growth is predicted to increase over the plan period which will further increase the shortfall.
- 4.29 The site has temporary permission for the current use; however, this permission has not expired, and the site can continue to operate as existing until September 2026. This use is not expected to cease before the expiry of the permission and as previously mentioned, our client would seek to make this use of the site permanent as their efforts to date to find alternate premises within their geographical area of operation has come to naught and with little prospect of alternate suitable sites becoming available, especially given the allocation of other employment sites for housing land.



4.30 The economic benefits of the continued use of the site for recycling and assisting with meeting sustainability objectives are considered to be a significant consideration in favour of the allocation of the site for its continued employment use as an aggregate sorting and recycling facility.

4.31 The existing recycling facilities located at Bott Lane are unique within the borough and wider Black Country area and are highly efficient enabling the potential for up to 100% diversion of inert waste from landfill and the recycling of materials to provide high quality aggregates. Our client's operations make a significant positive contribution in meeting targets for the recycling of materials and moving waste up the waste management hierarchy, but also significantly reducing the need for the quarrying of virgin materials.

Deliverability

4.32 The site is currently in an employment generating use and comprises an existing aggregate sorting and recycling facility. The site benefits from a temporary planning permission (reference P20/1801) with our client having ambitions to obtain a permanent planning permission to secure their future occupation of the site. The wider site is either vacant or also contains existing waste management operations which are under the control of our client.

4.33 On this basis it is considered there are no physical barriers to the continued operation of the site for employment purposes.

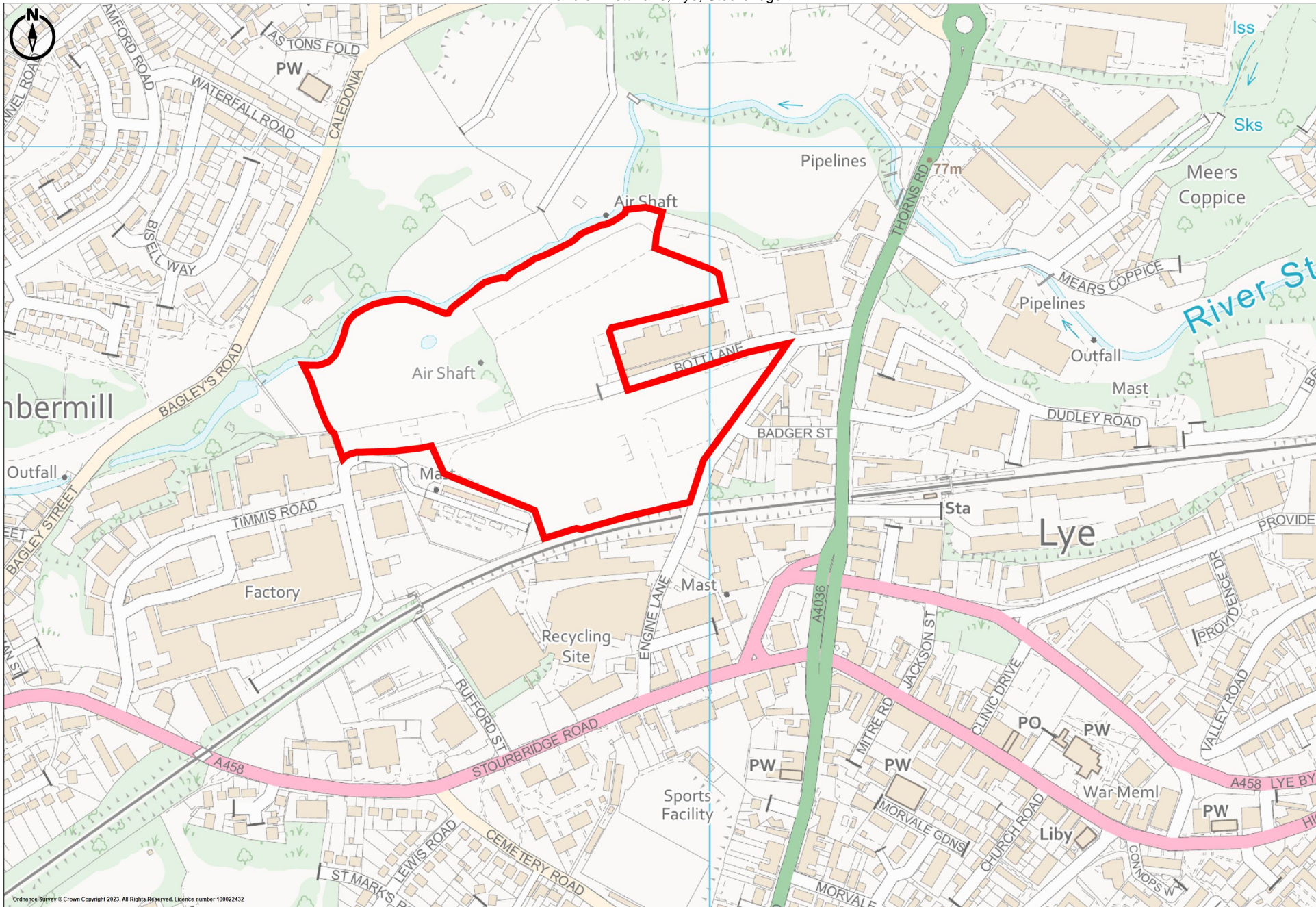
4.34 The site is located within the existing built-up area of Lye, in an area which is predominantly in employment use and has been historically. It is considered there are no constraints to the continued use of the site for employment purposes with regard to connections to local services and infrastructure which would prevent the continued use of the site for employment purposes.

4.35 Following the changes to the structure of the plan system in the area it is not considered that this site would be critical to meeting Dudley's housing needs in the same way as previously and that the delivery of employment and recycling in particular at this location would play a stronger role in meeting Dudley's needs. We therefore ask that the site is clearly identified and allocated for that purpose, reflecting our client's intention to pursue an application for permanent consent during the course of 2025.



EP1

Land off Bott Lane, Lye, Stourbridge



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