

## Representation on the Sheffield Plan Publication (Pre-Submission) Draft

### Respondent details

**Comment ID number:** PDSP.022.001

**What is your Name:** Lucy

**If you are making this representation as a member of an organisation, what is the name of your organisation:**

Savills

**If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:**

BOC Ltd

### Document

**Which document to you wish to make a representation on:**

Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

**Which section of the document is your representation on:**

Policy SA4: East Sheffield

**Which paragraph/site/map layer of the document is representation on:**

N/A

### Representation

**Do you consider the Local Plan is legally compliant:** Yes

**Do you consider the Local Plan is sound:** No

**Do you consider the Local Plan complies with the duty to co-operate:** Yes

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:**

'Whilst the British Oxygen Company Ltd (BOC) recognises the need for housing to be delivered in East Sheffield, they raise concerns in relation to Policy SA4 (East Sheffield Sub-Area Site Allocations). Incorporated within this policy, is proposed allocation ref. ES25. This proposed housing site is located at 'Land to the north of Bawtry Road, S9 1WR' and could deliver up to 147 homes. The proposed site allocation is approximately 200m from an existing industrial site, where BOC operate at the following address:

BOC Gas & Gear  
Bawtry Road  
Brinsworth

Rotherham  
South Yorkshire  
S60 5NT

BOC are concerned that noise emissions from their operations could impact upon the residential amenity of future occupiers should appropriate noise mitigation measures not be enforced by way of Local Plan policy.

BOC's operations at the Bawtry Road site include:

- 24/7 operations including HGV vehicle movement, loading and unloading of gas canisters;
- The manufacture of compressed hydrogen and nitrogen using various industrial processes
- The operation of garage / vehicle maintenance activities

BOC's 24 hour operations at Bawtry Road play a vital role in supplying large industrial operations and chemical industries nationwide, as well as supplying regional nuclear power and hospital facilities with compressed gases. It is also worth noting that BOC's facilities at Bawtry Road are classified as an upper tier COMAH site, and therefore any future planning applications within the vicinity of the site will need to consult the Health and Safety Executive and Environment Agency.

A site appraisal for proposed allocation ES25, undertaken by the council, has identified four potential conditions upon future development. These are:

- Open space should be provided in accordance with Policy NC15.
- Connective ecological corridors/areas (including buffers) shown on the Local Nature Recovery Strategy and combined natural capital opportunity maps are to be maintained on site and removed from the developable area. Biodiversity Net Gain should be delivered on site within the connective ecological corridor/area.
- A staged archaeological evaluation and/or building appraisal should be undertaken prior to the submission of any planning application; the application should be supported by the results of this evaluative work.
- This Site is identified as impacting on a Heritage asset and due consideration should be given to the impact of any proposal at the planning application stage."

One would assume that these conditions might form part of any future policy allocation wording.

BOC suggest that a condition related to noise impacts on the site from surrounding industrial premises (including BOC) and the nearby M1 motorway should be applied to ensure suitable living amenity for new residents.

Paragraph 187 of the National Planning Policy Framework (NPPF) states the following:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). 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 applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

As such, any new development proposed at site allocation ES32 must take into consideration the existing permitted business operations of BOC c.450 metres away. With BOC's operations being so vitally important to the regional economy and national infrastructure requirements, it is imperative that applicable acoustic

safeguards are in place to ensure that paragraph 187 of the NPPF is adhered to and BOC's operations are protected against noise complaints and potential enforcement action. The need for acoustic mitigation and testing to inform said mitigation should be set out in policy allocation wording.

Furthermore, the NPPF makes reference to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010). From the outset, this document states:

"1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society."

In consistency with the "long-term approach" supported by the Government, it is important to manage the impacts of noise upon development at an early stage of the planning process. Rather than relying on the implementation of noise mitigation measures at the planning application stage, it would be more effective to address these issues at the allocation and policy design stage.

Additionally, it is worth noting that a nearby site, c.450 metres north of BOC's Bawtry Road operations was granted outline planning permission under application reference 18/03367/OUT for 91 dwellinghouses. The following noise conditions were imposed and would be appropriate to enforce in relation to proposed site allocation ES25:

"21. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of .
- b) Be capable of achieving the following noise levels: Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours); Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours); Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
- d) Include details of an acoustic fence Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the building.

22. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences."

BOC therefore request that wording for Policy SA4 (site ES25), and its supporting text, is amended to include noise mitigation measures or buffer zone safeguards. The current policy is not sound, due to inconsistencies with NPPF paragraph 187.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:**

In order to ensure that Policy SA4 is sound, and consistent with paragraph 187 of the NPPF, BOC suggests an amendment is made to any future policy wording. This suggested additional wording is highlighted in capitals below:

"Policy SA4:

The sub-area includes part of the Main Urban Area of Sheffield; the District Centres of Darnall and Manor Top; as well as 10 Local Centres.

Development proposals in the East Sheffield Sub-Area will:

- a) Deliver approximately 2,945 new homes, and 100.3 hectares of employment land (through a combination of planning permissions and new site allocations). Longer term housing growth will also take place within Flexible Uses Zones at Attercliffe ('Broad Locations for Growth') where existing commercial uses will be allowed to transition to residential use (see Policies H1 and NC16).
- b) Deliver Site Allocations ES01 to ES53 - including strategic sites: ES01 to ES13 and ES20 to ES24.
- c) Continue the regeneration of housing estates in collaboration with the Sheffield Housing Company, and other house builders, to continue developing cleared sites, especially at Norfolk Park, the Manor and Arbourthorne.
- d) Protect existing employment land within Industrial and General Employment Zones associated with the Advanced Manufacturing Innovation District (the Advanced Manufacturing Research Centre (AMRC)/Sheffield Business Park/Olympic Legacy Park) and across the Lower Don Valley (see Policy EC1, Policies EC3-EC4 and Policy EC6).
- e) Support the vitality and vibrancy of the District Centres at Darnall and Manor Top, and all Local Centres (see Policy SP3, Policy EC5, and Policy NC10).
- f) Prioritise Attercliffe for new primary education and healthcare facilities.
- g) Encourage leisure developments to locate within the Lower Don Valley, if they cannot be located in the City Centre.
- h) Deliver improvements to the resilience of the highway network at Junction 34N and Junction 35 of the M1 (in partnership with National Highways).
- i) Deliver sustainable transport improvements, including:
  - implementing community-focused active neighbourhoods to improve walking and cycling access to local amenities;
  - Meadowhall Interchange Mobility Hub; and
  - Mass Transit Corridors at (i) City Centre via the AMID to Rotherham; and (ii) part of City Centre to Southeast.
- j) Safeguard the route of the potential Innovation Corridor road scheme, linking Meadowhall Road and Europa Link.
- k) IMPLEMENT APPROPRIATE NOISE MITIGATION MEASURES (TO BE SUPPORTED BY ACOUSTIC SURVEYS) AT HTE FOLLOWING SITES (ES25, ES32...AND OTHERS) WHERE RESIDENTIAL DEVELOPMENT IS PROPOSED IN

**CLOSE PROXIMITY TO THE M1 MOTORWAY AND PRE-EXISTING BUSINESS / SIGNIFICANT NOISE-EMITTING OPERATIONS”**

Furthermore, a fifth condition should be imposed upon development within the site appraisal wording of allocation ES25. This suggested additional wording is highlighted in capitals below:

“• Open space should be provided in accordance with Policy NC15.

- Connective ecological corridors/areas (including buffers) shown on the Local Nature Recovery Strategy and combined natural capital opportunity maps are to be maintained on site and removed from the developable area. Biodiversity Net Gain should be delivered on site within the connective ecological corridor/area.
- A staged archaeological evaluation and/or building appraisal should be undertaken prior to the submission of any planning application; the application should be supported by the results of this evaluative work.
- This site is identified as impacting on a Heritage Asset and due consideration should be given to the impact of any proposal at the planning application stage.
- **APPROPRIATE NOISE MITIGATION MEASURES (SUPPORTED BY ACOUSTIC SURVEYS) SHOULD BE PROVIDED IN ORDER TO ACCOUNT FOR HTE IMPACTS OF NEARBY M1 MOTORWAY AND BUSINESS/INDUSTRIAL NOISE-EMITTING OPERATIONS.”**

**If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):**

Yes, I wish to participate in hearing session(s)

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

Due to inconsistencies with the NPPF, Policy SA4 is considered to be unsound in its present form. BOC therefore object to the 'Sheffield Plan: Our City, Our Future Publication (Pre-Submission) Draft' document and wish to reserve a place to speak at the ex

## Representation on the Sheffield Plan Publication (Pre-Submission) Draft

### Respondent details

**Comment ID number:** PDSP.022.002

**What is your Name:** Lucy

**If you are making this representation as a member of an organisation, what is the name of your organisation:**

Savills

**If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:**

BOC Ltd

### Document

**Which document to you wish to make a representation on:**

Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

**Which section of the document is your representation on:**

Policy SA4: East Sheffield

**Which paragraph/site/map layer of the document is representation on:**

N/A

### Representation

**Do you consider the Local Plan is legally compliant:** Yes

**Do you consider the Local Plan is sound:** No

**Do you consider the Local Plan complies with the duty to co-operate:** Yes

**Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:**

'Whilst the British Oxygen Company Ltd (BOC) recognises the need for housing to be delivered in East Sheffield, they raise concerns in relation to Policy SA4 (East Sheffield Sub-Area Site Allocations). The proposed allocation of site ref.ES32: 'Land adjacent 101 Ferrars Road, S9 1RZ' could deliver up to 93 homes under Policy SA4. The site has previously been granted outline planning permission (ref. 18/03367/OUT) for the erection of 91 dwellinghouses and permission for reserved matters details associated with the erection of 93 dwellinghouses (ref. 20/01820/REM).

The proposed site allocation is approximately 450m from an existing industrial site, where BOC operate at the following address:

BOC Gas & Gear  
Bawtry Road  
Brinsworth  
Rotherham  
South Yorkshire  
S60 5NT

BOC's operations at the Bawtry Road site include:

- 24/7 operations including HGV vehicle movement, loading and unloading of gas canisters;
- The manufacture of compressed hydrogen and nitrogen using various industrial processes
- The operation of garage / vehicle maintenance activities

BOC's 24 hour operations at Bawtry Road play a vital role in supplying large industrial operations and chemical industries nationwide, as well as supplying regional nuclear power and hospital facilities with compressed gases. It is also worth noting that BOC's facilities at Bawtry Road are classified as an upper tier COMAH site, and therefore any future planning applications within the vicinity of the Site will need to consult the Health and Safety Executive and Environment Agency.

BOC are concerned that noise emissions from their operations could impact on the residential amenity of future occupiers should appropriate noise mitigation measures not be enforced by way of Local Plan policy.

The following conditions (21 and 22) are attached to the outline planning approval at the allocation site:

"21. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of .
- b) Be capable of achieving the following noise levels: Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours); Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours); Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
- d) Include details of an acoustic fence Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the building.

22. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.”

However, despite these conditions associated with the planning application, the proposed conditions on development associated with allocation ES32 as part of the council’s site appraisal make no reference to noise mitigation measures. At present, the proposed conditions within the council’s site appraisal state:

“Conditions on development:

- This site already has planning permission. The following conditions on development would apply if any further or amended developments were to be proposed on the site.

- A Landscape and Ecological Management Plan is required.

- Details of measures to prevent surface water flooding are required.”

One would assume that these conditions might form part of any future policy allocation wording.

BOC suggest that a condition related to noise impacts on the site from surrounding industrial premises (including BOC) and the nearby M1 motorway should be applied to ensure suitable living amenity for new residents. The need for acoustic mitigation and testing to inform said mitigation should be set out in policy allocation wording to ensure protection if further or amended development is proposed at the site.

Paragraph 187 of the National Planning Policy Framework (NPPF) states the following:

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). 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 applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

As such, any new development proposed at site allocation ES32 must take into consideration the existing permitted business operations of BOC c.450 metres away. Suitable acoustic mitigation measures should be implemented prior to any residential development’s completion.

Furthermore, the NPPF makes reference to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010). From the outset, this document states:

“1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society.”

In consistency with the “long term approach” supported by the Government, it is important to manage the impacts of noise upon development at an early stage of the planning process. Rather than relying on the implementation of noise mitigation measures at the planning application stage, it would be more effective to address these issues at the allocation and policy design stage.

BOC therefore request that wording for Policy SA4 (site ES32), and its supporting text, be amended to include noise mitigation measures or buffer zone safeguards. The current policy is not sound, due to inconsistencies with NPPF paragraph 187.

BOC suggest that a development condition related to noise impacts on the site from surrounding industrial premises (including BOC) and the nearby M1 motorway should be applied to ensure suitable living amenity for new residents. This should be included within local plan policy to ensure noise mitigation is implemented should further or amended development be proposed at the site.

**Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:**

In order to ensure that Policy SA4 is sound, and consistent with paragraph 187 of the NPPF, BOC suggests an amendment is made to any future policy wording. This suggested additional wording is capitalised below:

“The sub-area includes part of the Main Urban Area of Sheffield; the District Centres of Darnall and Manor Top; as well as 10 Local Centres.

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**CLOSE PROXIMITY TO THE M1 MOTORWAY AND PRE-EXISTING BUSINESS / SIGNIFICANT NOISE-EMITTING OPERATIONS”**

Furthermore, a fourth condition should be imposed upon development within the wording of allocation ES32 site appraisal. This suggested additional wording is capitalised below:

“Conditions on development:

- This site already has planning permission. The following conditions on development would apply if any further or amended developments were to be proposed on the site.
- A Landscape and Ecological Management Plan is required.
- Details of measures to prevent surface water flooding are required.
- **APPROPRIATE NOISE MITIGATION MEASURES (SUPPORTED BY ACOUSTIC SURVEYS) SHOULD BE PROVIDED IN ORDER TO ACCOUNT FOR HTE IMPACTS OF NEARBY M1 MOTORWAY AND BUSINESS/INDUSTRIAL NOISE-EMITTING OPERATIONS”**

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Yes, I wish to participate in hearing session(s)

**If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

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