

06/01851/MIN

**CONSTRUCTION OF A NOISE
ATTENUATION BUND
AT Hermitage Farm, Newport Road,
Moulsoe
FOR NGW and EF Richards**

THE APPLICATION

Planning permission is sought for the construction of a noise attenuation bund at Hermitage Farm, Newport Road, Moulsoe, over a 5ha area in a field immediately adjacent to the north east of Junction 14 of the M1 motorway.

The bund would be constructed of 90,000 cubic metres of imported inert material and would be 8m above the original ground level at its highest point. The bund would be a crescent shape, curved around the complex of the Hermitage Farm buildings.

The bund would have a maximum gradient of 1 in 3 on the southern and western side adjacent to the motorway and a 1 in 6 slope on the northern and eastern side.

The outside slopes of the bund would be planted up with mixed native woodland, with a more diverse scrubby edge; the remainder of the bund would be put down to grass or cropped as at present.

Topsoil would be stripped prior to tipping and replaced after the new contours are completed. Wooded areas would be spread with 200mm depth of topsoil; all other areas with 400mm.

Construction would take approximately 12 months. Access would be directly from Moulsoe Road near its junction with the A509. Average daily vehicle movements to and from the site would be 35, with a maximum of 46 (23 deliveries).

A wheel wash would be installed and dust suppression measures would be employed as required.

The operations would be phased commencing with the end furthest from the access, working back toward this. Restoration would take place progressively.

Further information has been provided considering the effects of the proposal on nature conservation interests around the site. The submitted report considers that most of the vegetation on the site is of negligible ecological value. It is stated that the hedgerows are, at best, only of moderate ecological value. The site is suitable to support grass snakes and amphibians, but its quality is low. Overall, the ecological value of the site is negligible. It is concluded that the short term impact on fauna would be very high but its significance would be minimal if mitigation measures are implemented. A

greater diversity of vegetation planted after the development would support a larger number of animals and plant species.

CONSULTATIONS AND REPRESENTATIONS

The Highways Agency's comments have not yet been received, but their requirement, with the last application, was that no fill be placed within 6 metres of the fences to the M1 and A509/M1 interchange roundabout.

This has been taken into account with the current application.

The Environment Agency currently objects to the proposal as it may present a significant flood risk.

A flood risk assessment was submitted to the Council on 15 January 2007 and the Environment Agency's comments on this are awaited.

The Buckingham and River Ouzel internal Drainage Board have not commented on the application, as no flood risk assessment had been carried out. This has now been forwarded and any further comments received will be reported.

The Highways Engineer's views are awaited. However, improvements to the existing farm entrance were required in relation to the last application. These have not been detailed in the current application.

The Chief Environmental Health Officer has the following concerns about the results of the additional survey:

(a) No explanation of the location for the position of the noise monitoring has been given. Ordinarily noise levels for traffic are usually specified at one metre from a noise sensitive façade. The additional monitoring is not in this location.

(b) It is impossible to interpret any meaningful results from the graph provided with the application.

(c) The survey does not contain any details of measurement methodology. The text mentions wind direction but does not detail wind speed or other significant weather data. The real-time weather station in Central Milton Keynes indicates that the wind speed and rainfall were so significant during this monitoring period that data for much of the monitoring time should be discounted.

(d) The calculation indicated the noise reduction afforded by the bund to be 6.1dB, but why the bund is laid out as proposed is not explained.

(e) No correlation between the latest and previous survey is provided.

(f) No rationale as to why a 6.1dB noise reduction would be a “very worthwhile improvement” has been provided.

PLANNING POLICY

Buckinghamshire County Structure Plan

Policy TR1A seeks to restrain future levels of traffic growth in the county and to promote more environmentally sustainable travel by the implementation of a number of measures in towns and villages, including the management of heavy goods vehicle traffic to minimise environmental damage, essential junction and road improvement schemes and specific development control principles to ensure that the highway implications of development proposals are acceptable.

Policy OC1 restricts development in the open countryside with a number of exceptions. Waste management operations in accordance with policies WM1-WM6 are included in those exceptions. The scale and location of any development will have regard to the amenity value of the countryside and to other relevant policies, particularly relating to, amongst others, protection of the landscape and nature conservation.

Policy OC2 states that any proposals for new development should, wherever possible, avoid the loss of the best and most versatile agricultural land.

Policy LS1 says that any development in the open countryside should be located and designed to minimise adverse effects.

Policies NC2 and NC3 deal with limiting damage to and improving the nature conservation resource throughout Buckinghamshire by the use of conditions and planning obligations.

Policy WM5 restricts landraising to exceptional circumstances where the environment and visual amenity of the area would not be adversely affected, an appropriate after-use can be secured and there is no reasonable alternative.

Policy WM6 requires that in considering applications for waste management facilities, regard be had to the principles set out in (minerals) policies M2, M3 and M9. Parts of policy M3 are relevant, relating to the need to protect amenity, the landscape, high-grade agricultural land and watercourses, the effect of vehicular traffic on the local environment and the stand of restoration.

Waste Local Plan for Buckinghamshire

Policy WLP5 states that landraising with non-inert waste is usually a source of serious visual and environmental problems and will only exceptionally be permitted.

Policy WLP6 sets out criteria according to which landraising of locally derived inert waste may be acceptable. The applicant has to demonstrate that there are no suitable alternative waste management facilities within a reasonable distance of the source of the site, that the proposal would not cause an intrusive feature in the landscape and that it is intended either to restore land, comprise a specific engineering operation, be required for agriculture, or in the case of large quantities, act as a borrow tip. The explanatory text to the policy makes clear that small-scale landraising with inert wastes may be required in the north of the county if levels of inert exports cannot be maintained.

Policy WLP17 strongly resists any proposal for a waste management facility that involves the irreversible loss of the best and most versatile agricultural land, unless it can be shown that it is necessary to meet an essential need that cannot be satisfactorily met by other means.

Policy WLP18 gives preference to waste management proposals as close as practicable to the origin of the waste, so long as they accord with other policies of the plan.

In considering applications for waste management facilities policy WLP20 requires that a number of criteria are taken into account, including the type of waste, provision of satisfactory access to a public road, the scale, type and appearance of the operation, its effects on the environment, landscape, amenity and archaeology, the extent of additional planting, the intended after-use and the need for the development and markets to be served.

The emerging Waste Development Plan Document has policies and proposals which similarly seek to prevent development associated with waste disposal unless fully justified. No representations have been received as a result of the publicity and site notices relating to the application.

Milton Keynes Local Plan

S10 Open Countryside

The open countryside is defined as all land outside the development boundaries defined on the Proposals Map. In the open countryside, planning permission will only be given for development that is essential for agriculture, forestry, countryside recreation or other development which is wholly appropriate to a rural area and cannot be located within a settlement.

S13 Areas Liable to Flooding

Planning permission would be refused for development if it would be likely materially to:

- i) impede the flow of flood water
- ii) restrict the capacity of the flood plain to store flood water
- iii) increase the number of people or properties at risk from flooding.

D1 Impact of Development Proposals on Locality

Planning permission will be refused for development that will be harmful for any of the following reasons:

- i) additional traffic generation which would overload the existing road network or cause undue disturbance, noise or fumes
- ii) inadequate drainage which would adversely affect surface water disposal including flood control, or overload the existing foul drainage system
- iii) an unacceptable visual intrusion or loss of privacy, sunlight and daylight
- iv) unacceptable pollution by noise, smell, light or other emission to air, water or land
- v) physical damage to the site and neighbouring property including statutorily protected and other important built and natural features and wildlife habitats
- vi) inadequate access to and vehicle movement within the site.

CONSIDERATIONS

Members may recall that a similar application was considered in October of last year. Planning permission was refused principally because landraising with waste materials is only permitted in exceptional circumstances. The applicants were unable to demonstrate that the permanent residential development sections of the farm complex would be sufficiently protected from noise by the creation of a bund.

This proposed development was also refused on the grounds of the detrimental impact on the landscape, its effect on the flow and quality of the nearby watercourse, that it would potentially cause a significant flood risk and that the proposed access was inadequate for the vehicles associated with the bund's construction.

Changes to the previous scheme have been made so that the bund would not encroach as far into the field which is bounded by the A509 and Moulsoe Road on its western and northern edges. A small reduction in the length of the bund is also proposed at its south-eastern end.

The applicants have also provided information relating to noise readings from the additional noise monitoring station.

The reduction in the length of the bund is welcomed, particularly as it was difficult to see what benefit was afforded by the extension of the bund northward to adjoin the Moulsoe Road under the previous scheme.

However, the highest point of the bund, some 8 metres above original ground level, is retained opposite the junction 14 roundabout. The applicants have provided photo montages of how the bund would appear. These, however, highlight that the bund would be a prominent, man-made feature, fully visible to those visiting Milton Keynes from the north, and leaving the motorway via

Junction 14. It will also be highly visible from the northbound carriageway of the motorway. This artificial appearance will continue until tree planting on the bund has matured in 15 to 20 years time. The bund will be particularly obtrusive during the 12 months construction period. Therefore, if planning permission is to be granted contrary to policy, the purpose of which is to protect the landscape, exceptional reasons need to be demonstrated. In the case of the bund as proposed, the application should, therefore, have been accompanied by information clearly showing a significant benefit in noise attenuation terms for permanent residential property, or a demonstrable need for a site to dispose of waste, or both.

In support of the application, the applicant has resubmitted the noise measurements which accompanied the last application. However, these did not show a discernable noise reduction as a result of the bund. In fact, it demonstrated that, in many places, the existing agricultural buildings were already shielding the residential property from traffic noise, such that the provision of a bund would make no discernable difference in noise attenuation terms. The applicants have provided details of the findings of one additional noise monitoring point.

The Chief Environmental Health Officer has inspected the results of this additional survey and has concluded that it does not provide a robust or detailed argument for the provision of the bund.

Of particular concern is that the survey concluded that a 6.1dB noise reduction would be provided by the bund. Whereas the additional information suggests that further noise attenuation would be provided by the ground, it does not appear to have taken account of the existing situation. No proper analysis has been carried out to conclude that anything above 6.1dB noise reduction would be provided.

Government advice to planning authorities makes clear that a change of 5dB in noise levels is not discernable. An additional 1.1dB is extremely unlikely to reduce noise levels sufficiently to warrant the disruption to the landscape caused by the bund.

Even if 6.1dB were a worthwhile reduction, it is only a reduction at a particular point within the farm complex. This appears to be the location where the residential property is not protected by the existing agricultural buildings. This suggests that, even if a 6.1dB reduction is regarded as worthwhile, this would be achieved with a far smaller bund, or even fencing to close off the gap between the agricultural buildings. In the circumstances, the bund as proposed is not justified as an exception to policy in noise attenuation terms.

The applicant has suggested that half of the material for the bund could be sourced from the MK Bowl redevelopment and that a spoil haulage operator has stated that there is a need for a site for the disposal of 90,000 cubic metres of material. The haulage operator refers to a number of sites from which it is claimed material needs to be removed.

The applicant has, however, provided no detailed analysis of local spoil disposal requirements and existing facilities where this may take place. This need for spoil disposal has, however, been considered in some detail at two recent appeals, where the Inspector has concluded, on both occasions, that there is no need for additional facilities for the disposal of inert waste from development sites in Milton Keynes. In the absence of clear evidence to the contrary, it is not possible to conclude that the bund is justified in terms of the need for a site for the disposal of spoil, such that an exception to policy should be made.

Members may be aware that the Milton Keynes Partnership intends granting planning permission for a large bund to screen the proposed eastern expansion area development. This has been shown in the cross section on the submitted drawing with the current application. Whereas the section indicates that the dimensions of the eastern expansion area bund have been taken from the planning application, there have been amendments to the proposal reducing its height following objections from this authority. It is not clear from the current application for the bund at Hermitage Farm whether or not the plans take this revision into account.

However, the council objected to the eastern expansion area bund, even in its revised form as being of a much larger scale than was necessary to protect the eastern expansion area. Therefore, to maintain a consistent line, the council must object to this current proposal as it has not been properly demonstrated that a smaller bund would not be equally effective. If this consistent line is not maintained, the council would find it very difficult to resist similar proposals elsewhere, detrimentally affecting the landscape.

The applicants forwarded a flood risk assessment some time after the planning application was submitted. Consequently, the views of the Environment Agency and the Internal Drainage Board on whether the concerns relating to the previous proposal still apply, are awaited.

If the Environment Agency maintains its objection because of the effect of the development on the nearby water course and the potential flood risk, these would also be reasons for refusal of the application.

The Highway Engineer did not consider that the access to the site was adequate when considering the previous proposal. Although the application indicates that some revisions to the access will be made, the details of this have still not been provided. The inadequacy of the access, therefore, should also remain a reason for refusal.

RECOMMENDATION

It is recommended that planning permission for the proposed bund is refused as:

- 1) It is contrary to policy WLP6 of the Waste Local Plan for Buckinghamshire and the emerging Waste Development Plan Document.
- 2) It would be harmful to the local landscape, contrary to policy D1 of the Milton Keynes Local Plan and
- 3) Dependent upon the view of consultees that it would affect the flow of a nearby watercourse, cause a potential flood risk and its construction would be hazardous to users of the highway.