

Application Number: 15/02731/MIN

Construction of Waste Transfer Station, ready mix concrete plant and overnight parking of 14 HGVs (resubmission of 14/02589/MIN)

AT Cotton Valley Sewage Works, Pineham

FOR Mr John Gough

Target: 29th January 2016 / Extension of Time: 4th March 2016

Ward: Broughton

Parish: Broughton & Milton Keynes
Parish Council

Report Author/Case Officer: Emily Catcheside

Contact Details: 01908 254369 Emily.Catcheside@Milton-keynes.gov.uk

Team Leader: Sarah Evans Development Management Strategic Business Unit
Manager

Contact Details: 01908 253326 Sarah.Evans@milton-keynes.gov.uk

1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The main section of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application including plans, supplementary documents, consultee responses and public representations are available on the Council's Public Access System www.milton-keynes.gov.uk/publicaccess . All matters have been taken into account in writing this report and recommendation.

1.2 The Site

The application site is approximately 2.4ha in size and is a narrow strip of disused land at the western edge of the Cotton Valley Sewage Works adjacent to the V11 Tongwell Street. Access to the site would be taken from the existing access to the sewage treatment works off Tongwell Street.

1.3 The site is bounded to the south and east by the sewage treatment works and associated infrastructure and to the west by a landscaped zone in Parks Trust ownership and the V11 Tongwell Street. The River Ouzel Linear Park and associated open space lie to the north of the site which is also designated as wildlife corridor. Willen Lake North lies to the west of the site on the other side of the V11 Tongwell Street. The site lies entirely within flood zone 1.

1.4 The nearest residential properties to the proposed development are located approximately 200m to the north west on Chillery Leys and Aldrich Drive. Further residential properties are located to the south east of the site on Dean Forest Way in Broughton, approximately 900m away at the closest point. Willen Hospice, a provider of palliative care is located on the banks of Willen Lake North approximately 480m to the northwest of the site.

1.5 **The Proposal**

It is proposed to utilise the application site for a mix of uses to include the sorting, processing and batching of a variety of waste and aggregate materials prior to onward sale or disposal. The proposal is a resubmitted application which offers a revised layout following a refused planning application under delegated powers in June 2015 (application reference 14/02589/MIN). The key differences between the two applications are set out in paragraph 1.15.

1.6 Built Development

The built development would comprise the following:

- The lowering of the existing site level by approximately 1m;
- The demolition of an existing disused building;
- The erection of a recycled waste processing building clad in coated steel and 4m high concrete panels at the base (1250sqm footprint with a pitched roof of 14.5m at the ridge)
- The erection of a concrete batching plant and associated aggregate storage bays at the southern end of the site (maximum height of 9.8m)
- The erection of waste storage bays clad to the rear with 4.5m high retaining wall;
- The construction of an internal haul road, weighbridge, office, and cabin;
- The provision of parking areas for 5 cars and 14 HGVs;
- The use of mobile screening plant to process waste.

1.7 Minerals/Aggregate Development

It is proposed to import aggregates (sand, gravel, topsoil, compost, limestone and granite) to the site for storage in bays prior to onward transfer to sale. The proposal also includes a concrete batching plant and silos to enable the production of wet batched concrete on site through mixing aggregate with cement, water and admixtures

1.8 Waste Storage/Processing

A maximum of 200,000 tonnes of waste would be handled annually. This would comprise a maximum of 60,000 tonnes dry municipal waste, 70,000 tonnes dry construction, demolition and excavation waste, and 70,000 tonnes of dry commercial and industrial waste. The application does not seek permission for the handling of hazardous waste.

1.9 Wastes (comprising wood, topsoil, hardcore, and general dry wastes) would be brought to the site in skip lorries for storage in bays, screening and processing (shredding, baling and bulking) prior to onward transfer for recycling, recovery or disposal. The application does not include provision for concrete crushing.

1.10 It is expected that a maximum of 140,000 tonnes of waste would be recovered or recycled with the remainder (maximum 60,000 tonnes) transferred for disposal. The majority of waste is expected to arise within the Milton Keynes area.

1.11 Landscaping/Ecological Works

0.55ha of land at the northern edge of the site would provide an area of ecological habitat for Great Crested Newts, Reptiles and Water Voles. It is proposed that the population of Protected Species within the application site would be translocated to the new habitat once it has matured under the control of a Natural England license. Additional tree and hedgerow planting is also proposed along the western boundary of the site.

1.12 Operational Details

The facility would operate between 7am-7pm Monday to Friday and 7am-1pm on Saturdays with no handling activity on Sundays or Bank Holidays. It is however proposed to allow pre-loaded HGVs to leave the site from 6am (Monday to Friday) and to allow deliveries to the site on Saturday afternoons until 5pm and on Sundays and Bank Holidays between 10am and 4pm.

1.13 The proposal would generate approximately 240 HGV movements per day (120 in, 120 out) of which approximately 24 movements (12 in, 12 out) would be during peak hours. The majority of the vehicles accessing the site would be skip lorries (60 loads per day) with the remainder made up of roll on-offs (10 per day), bulk carriers (8 per day), 4 axle tippers (20 per day) and concrete lorries (20 per day).

1.14 The facility would employ 5 full time staff.

1.15 Amendments to Previous Application

A previous application was made for the development and was refused under delegated powers in June 2015 for the following reason:

“The proposal would cause an unacceptable noise impact to nearby sensitive receptors including residents of Willen, residents of Willen Hospice, and recreational users of Willen Lake North. The development would therefore be contrary to Policy MLP6 of the Minerals Local Plan 2001-2011, Policy WDC1 of the Waste Development Plan Document 2007-2026 and Policy D1 of the Milton Keynes Local Plan 2005”.

The applicant has sought to address that reason for refusal in the current

application through the following amendments:

- The previous application proposed the use of a mechanical crusher as part of the development proposals which would have been the noisiest piece of machinery. This is no longer proposed. No materials would be crushed on site as part of the planning application hereby considered;
- The areas of open storage and material handling areas (the parts of the development likely to generate the most noise) have been relocated from the northern to the southern and central parts of the site to increase the distance from dwellings in Willen and the most exposed areas of Willen Lake North;
- To allow the reconfiguration of the site; a habitat enhancement zone would be created at the northern extent of the site and, once the new habitat has matured, Protected Species would be translocated from the centre of the site under a licence to be obtained from Natural England. In the interim period whilst the habitat matures, the site would operate in a reduced area.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy for Waste (October 2014) in particular paragraphs 7 and 8 and appendices A and B.

National Planning Policy Framework in particular paragraphs 11-16, 183, 196-198 and 203-206, and chapters 1, 4, 8, 10, 11, and 13.

2.2 Local Policy

Minerals Local Plan 2001-2011

MLP5: Secondary Aggregates and Recycling

MLP6: Aggregate Depots

MLP7: Matters to be Resolved

Waste Development Plan Document (WDPD)

WCS2: Recycling and Composting Targets

WCS3: Sustainable Design, Construction and Demolition

WA2: Safeguarding Existing and Allocated Waste Sites

WDC1: Development Control Criteria

WDC2: Environmental Objectives

WDC3: Transport

Core Strategy

CS19: The Historic and Natural Environment

CS20: Minerals

Adopted Milton Keynes Local Plan 2001-2011

D1: Impact of Development Proposals on Locality

D2: Design of Buildings

NE2: Protected Species

NE3: Biological and Geological Enhancement

T10: Traffic

T13: Transport Reservations

T15: Parking Provision

E8: Sites for Bad Neighbour Uses

Supplementary Planning Documents

Parking Standards SPD (January 2016)

2.2 Other Documents

Emerging Minerals Local Plan – Submission Draft Approved by Council (21st October 2015)

Limited weight is attached to the emerging Minerals Local Plan which has not yet been considered at examination in public.

Emerging Campbell Park Neighbourhood Plan

The site falls within the designated area for the emerging Campbell Park Neighbourhood Plan. An emerging Neighbourhood Plan may be considered as a material consideration depending on the stage the plan has reached and the level of consultation undertaken. Limited weight is attached to the Campbell Park Neighbourhood Plan due to its early stage and greater weight should be given to the saved local plan policies, the policies of the Core Strategy, the Waste DPD, and the Minerals Local Plan as well as the NPPF.

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 1. Principle of the Development and Location
2. Assessment of Effects
 - a) Environmental Permitting
 - b) Noise
 - c) Odour, Dust and Air Quality
 - d) Visual Impact & Trees
 - e) Highways Impacts & Access
 - f) Protected Species & Biodiversity
 - g) Ground Water, Surface Water & Contamination
3. Impact on Cotton Valley Sewage Works

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to a condition listing the approved plans, the planning conditions set out in Section 6 of this report and a S106 Agreement to secure a biodiversity offsetting scheme prior

to commencement of the development.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 Principle

- Principle of the Development

The overarching policy framework for waste development is the National Planning Policy for Waste which encourages planning authorities to look favourably in principle upon planning applications that are in accordance with the waste hierarchy through supporting the diversion of waste from landfill to recovery, recycling and re-use. The application proposes a facility that would allow waste to be sorted and processed for onward use, re-sale and recycling or other recovery at energy-from-waste facilities rather than landfill. Policy WCS2 of the Waste DPD sets out the Council's targets for recycling and composting at 55% in 2015 rising to 65% in 2025; however national waste policy is clear that applicants should not be expected to demonstrate the quantitative or market need for new waste management facilities that are in accordance with an up-to-date local plan.

5.2 The storage of aggregate and the batching of concrete would be minerals-related development therefore the planning context is set primarily by the Minerals Local Plan. Collectively, policies MLP5 and MLP6 of the Minerals Local Plan support the provision of aggregate depots and processing facilities subject to specific criteria including that adequate environmental standards can be achieved to minimise disturbance to the locality and that safe and convenient road access is available.

5.3 The development would facilitate the diversion of waste from landfill and would provide an aggregate depot and processing facility for which support is given in development plan policy. The principle of the development would be in keeping with the overarching objectives of the Waste DPD, policies MLP5 and MLP6 of the Minerals Local Plan and the National Planning Policy for Waste therefore is considered to be acceptable, subject to a detailed consideration of the impacts of the development.

5.4

- Principle of the Location

Policy E8 of the Local Plan directs "bad neighbour uses" towards Bleakhall, Old Wolverton and Stonebridge, however policies WSC2 and WDC1 of the Waste DPD support the provision of waste development on existing waste management sites provided it can be demonstrated that any impacts of the development would not significantly affect people, land, infrastructure and natural resources. The application site is located within the curtilage of an existing waste management facility therefore in accordance with policy it is an appropriate site to consider when identifying a suitable location for the proposed waste development.

- 5.5 Suitable sites for aggregate depots and processing facilities are identified in policy MLP5 of the Minerals Plan as those likely to contain similar uses with similar impacts, including waste management facilities, provided adequate environmental standards can be achieved to minimise disturbance and adequate road access is available. As the site falls within an existing waste management use and the impacts of the proposed mineral development are likely to be similar to those arising from the proposed waste development, the site is considered to be a suitable starting point for consideration for the proposed development.
- 5.6 The Committee is advised that the mixed waste and minerals development is supported in principle and that the location proposed is also suitable in principle subject to a detailed consideration of the impacts of the proposal on people, land, infrastructure and the natural environment. If the Committee is satisfied that the impacts of the development can be satisfactorily controlled and/or mitigated then planning permission should be granted. However, if the Committee consider the impacts of the development would be significantly adverse despite proposed mitigation and control measures including through the pollution control regime, planning permission should be refused.

5.7 **Assessment of Effects**

- Environmental Permitting

The waste management element of the proposal benefits from an Environmental Permit issued by the Environment Agency in June 2015. The Permit controls the waste types and amounts permitted to be imported to and processed at the site if planning permission is granted and imposes standard conditions to control emissions and pollution, odour, noise and vibration, and pests. The Environmental Permit application process includes consideration of an odour management plan, noise assessment, and fire prevention plans amongst other things and the permitted details would be monitored and enforced by the Environment Agency.

- 5.8 The concrete batching plant would require a permit from the Council as Environmental Health Authority which would include measures to control airborne emissions including dust and would be monitored and enforced by the Environmental Health Authority.

- 5.9 The National Planning Policy for Waste states that when determining planning applications, waste planning authorities should:

“concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.

The Committee is therefore advised to consider whether the development is an acceptable use of the land on the application site proposed rather than

with the control of processes, health and safety issues or emissions themselves where these are subject to approval under the environmental permitting regime.

5.10 • Noise

The National Planning Policy for Waste states that the operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not appropriately managed particularly if night-time working is proposed. Local policies also seek to protect the local amenity from adverse impacts of noise including policies WDC1 of the Waste DPD, MLP6 and MLP7 of the Minerals Local Plan and D1 of the Local Plan.

5.11 Since the former planning application 14/02589/MIN was refused on noise grounds, the applicant has amended the scheme as set out in paragraph 1.15 of this report. The key noise attenuating measures proposed are:

- No concrete crushing is proposed on site;
- A reduction in the site level by 1m;
- The siting of the noisiest elements of the scheme further south than in the previous scheme;
- All waste processing (sorting, baling, shredding) would take place within a designated waste building which would face east towards the sewage treatment works;
- 4.5 metre high concrete cladding would be erected to the rear of storage bays to provide sound installation;
- 3.5 metre high concrete cladding would be erected to rear of waste building;
- Additional tree planting along the western boundary of the site;
- The use of 'white noise' reversing alarms on operational vehicles;
- No night-time working is proposed and handling activities at weekends would be limited to Saturday mornings.

5.12 Notwithstanding the amendments to the scheme, several respondents to the planning application consultation remain concerned about the noise impact of the proposal on nearby sensitive receptors including dwellings and the palliative care hospice at Willen as well as on recreational users of Willen Lake North. The nearest residential property to the development is approximately 200m to the northwest of the site and on the other side of the V11 Tongwell Street. A distance of 200m with a major road is normally considered to be an appropriate buffer distance to ameliorate nuisance subject to the outcome of site- specific noise assessments.

5.13 The applicant has produced an updated noise assessment to support the application using the methodology requested by the Council's Environmental Health Officer. The report assessed the impact of the proposal on the nearest sensitive receptors in Chillery Leys, Willen and Dean Forest Way, Broughton

and concluded that noise from the proposed facility would fall below the existing background sound levels at those dwellings during both peak operational hours and during Sunday deliveries. The noise assessment also concluded that, although there would be an increase in noise on the Willen Lake North footpath near to the site, it would be imperceptible to the human ear. As a result of the revised noise assessment, the Environmental Health Officer has removed his objection to the proposal.

5.14 It is considered that any residual noise impacts from the scheme can be adequately controlled through the use of conditions that require the proposed mitigation measures to be installed prior to the commencement of the development and retained for the duration of the development as well as limiting the operating hours to those proposed to limit any impacts during evenings and weekends. Moreover, due to the sensitive nature of the locality it is considered appropriate to remove the operator's permitted development rights by condition to allow the Local Planning Authority to consider the impacts of any buildings, plant and machinery that would otherwise have been allowed without the need for planning permission but may have an adverse impact on the local area including Willen Lake North.

5.15 Subject to the recommended conditions and with consideration to the existence of the separate environmental permitting regime for the site, it is considered that the applicants have overcome the reason for refusal for the previous planning application at the site and that the development would be in accordance with policies WDC1 of the Waste DPD, MLP6 and MLP7 of the Minerals Local Plan and D1 of the Local Plan in relation to noise. It is therefore no longer recommended that planning permission should be refused on noise grounds.

5.16 • Odour, Dust and Air Quality

Policies WDC1 of the Waste DPD and MLP7 of the Minerals Local Plan support waste management and minerals proposals where there is adequate means of controlling odour, dust, and air quality amongst other things.

5.17 The development has the potential to create odour and dust through on-site activities and the transportation of waste and aggregates to and from the site; however the applicant has proposed mitigation measures to control these emissions such as the sheeting of vehicles and regular road sweeping as well as the use of bowsers to the haul road and stockpiled materials. These activities can be controlled through the use of conditions as recommended in this report in order to meet the requirements of relevant planning policies.

5.18 The proposed activities would be permitted by the Environment Agency (waste) or the Environmental Health Department (minerals) therefore there are separate controls in place through which the emissions from the development would be monitored and enforced. The permitting process requires the submission of an Odour Management Plan and Dust Action Plan for approval by the relevant authority and the Environment Agency would control the types and amounts of waste permitted to be processed at the site,

The National Policy for Waste is clear that Planning Authorities should not seek to duplicate the pollution control regime, but should work on the assumption that it will be properly applied and enforced.

5.19 Subject to the inclusion of conditions requiring all loaded vehicles to be sheeted and for the use of bowsers/road sweeping to be implemented as outlined in the application documents, the development is considered to be acceptable and in accordance with policies WDC1 of the Waste DPD and MLP7 of the Minerals Local Plan.

5.20 • Visual Impact & Trees

Policy WDC1 of the Waste DPD supports proposals where there is no unacceptable adverse effect on areas or features of landscape value including parkland or visual intrusion. Policy MLP7 also supports minerals proposals where there is no significant adverse effect on any dwellings or other environmentally sensitive properties or from footpaths in the surrounding area taking into account any proposed ameliorative measures. Policy D2 of the Local Plan supports the use of landscaping and boundary treatments to integrate developments with their surroundings.

5.21 On the whole, the development is well screened by existing trees of 12-25m in height although it is visible in places through gaps in the tree-line particularly at the northern extent of the site where the waste building is proposed to be sited. The applicants propose to plant additional trees and hedgerow along the western boundary of the site on land under the control of the applicant. The Landscape Architect has raised concerns with the proposals on the basis that a 10m buffer has not been provided to allow planting to establish between the waste building and the V11 Tongwell Street, although the applicant has stated that this buffer cannot be achieved on land within the applicant's control. The applicant has considered options to soften the appearance of the building including the use of a graduated/alternative colour scheme to the olive green originally proposed as well as the use of climbing plants. It is proposed that the details of these matters are secured as part of a pre-commencement condition.

5.22 The views of the waste building would replace existing views of the sewage treatment works and would therefore sit within an industrial context adjacent to a major road. Although the building would be visible from Willen Lake North, the adverse impact is considered to be minor in nature and therefore would not justify the refusal of planning permission in this instance. Moreover, it is a material consideration that the previous application for this development was not refused on visual impact grounds and no objection was received at that time from the Landscape Architect. The visual impact of the development is not considered to have been materially altered as a result of the resubmitted planning application.

5.23 The visual impact of the development can be controlled through the use of conditions to limit the height of stockpiled material to 6m above ground level, to protect existing trees during construction and operation, and to prevent the

installation of lighting without prior approval from the Local Planning Authority. It is also suggested that a detailed landscaping scheme and details of the façade of the proposed waste building should be secured through condition to detail the extent and make-up of the proposed tree and hedgerow planting along the western boundary of the site.

5.24 Subject to the imposition of conditions as suggested, the development would not be considered to have a severe adverse visual impact although the waste building would be visible from views from the surrounding area including Willen Lake North. The proposal would be in accordance with policies WDC1 of the Waste DPD and MLP7 of the Minerals Local Plan in relation to visual impact and landscaping.

5.26 • Highways Impacts & Access

Collectively, policies WDC3 of the Waste DPD, MLP6 and MLP7 of the Minerals Local Plan and Policy T10 of the Local Plan seek to ensure that there is safe and convenient road access to mineral and waste sites and that the local highway network can satisfactorily accommodate the traffic generated by the proposals. Policy T13 of the Local Plan serves to prevent development that would prevent the future use for transport purposes of transport reservations including that between the site and the V11 Tongwell Street.

5.27 The applicants have produced a Transport Assessment to support the application. The assessment concluded that at peak times, the development would generate a maximum of 24 vehicles movements per hour (12 in, 12 out) and would result in an increase of traffic by 1.9% over a typical day which is not considered to be significant. The Highway Engineer has reviewed the proposal and has given consideration to the capacity of the site access and the Pineham roundabout junction and has concluded that the proposal would not have a significant adverse impact on the immediate road network. The site access junction is laid out to grid road standard and the level of visibility available in both directions is considered to be acceptable to serve the development. The development would not encroach on the transport reservation protected by Policy T13 of the Local Plan.

5.28 There is no specific parking requirement for the proposed development; however parking is proposed for 5 cars and 14 HGVs which is considered to be adequate to serve the development which would employ 5 full time staff. The proposal includes provision for overnight parking of up to 10 loaded HGVs and sufficient parking spaces have been provided for this purpose. Concerns have been raised through representations about the security of the site overnight; and the applicant has confirmed that the site would be secured by a gated access, the details of which could be secured through condition on any planning permission issued. Due to concerns raised by the Highway Engineer regarding the management of vehicles and pedestrians within the site it is also recommended that a Site Management Protocol is submitted for approval prior to the occupation of the development.

5.29 It is suggested that conditions are attached to any planning permission issued restricting the vehicle movements to the site to that proposed and requiring the submission of details of the secure access gates for approval prior to occupation as well as the Site Management Protocol. Subject to those conditions, the development is considered to be acceptable on highway grounds and in accordance with the highway related elements of policies WDC3 of the Waste DPD, MLP6 and MLP7 of the Minerals Local Plan, Policy T10 of the Local Plan and the Parking Standards SPD.

5.30 • Protected Species & Biodiversity

Policies NE2 and NE3 of the Local Plan and CS19 of the Core Strategy seek to prevent development that would be likely to adversely affect animal and plant species, or their habitats, and to encourage biodiversity enhancements on all major application sites. Policies MLP7 of the Minerals Local Plan and WDC1 of the Waste DPD serve to protect the biodiversity assets on minerals and waste sites respectively.

5.31 The Ecological Appraisal and Protected Species Survey submitted with the application documents identified the presence of neutral-calcareous grassland on the application site as well as great crested newts, grass snake, water voles, rare invertebrates and a small number of notable bird species. A detailed mitigation and compensation strategy is proposed which includes the translocation of protected species to new habitat created in the north of the site, a biodiversity management plan, and a biodiversity offsetting scheme. The translocation works would be undertaken under a license from Natural England.

5.32 The Council's Countryside Officer has reviewed the technical data submitted with the application documents and is satisfied that the proposed mitigation and offsetting scheme is acceptable and therefore that Natural England are likely to grant a license for the proposed works. It is recommended that conditions are attached to any planning permission issued requiring the development to be carried out in complete accordance with the combined mitigation strategy and that a S106 Agreement is completed to require the submission of a biodiversity offsetting scheme.

5.33 Subject to the recommended conditions and S106 Agreement, the development is considered to deliver effective mitigation and compensation measures for protected species and would deliver overall biodiversity gain therefore it would be in accordance with policies NE2 and NE3 of the Local Plan, CS19 of the Core Strategy, and the biodiversity elements of policies MLP7 of the Minerals Local Plan and WDC1 of the Waste DPD.

5.34 • Ground Water, Surface Water and Contamination

Policies WDC1 of the Waste DPD, MLP7 of the Minerals Local Plan and D1 of the Local Plan serve to protect sites and their surroundings from inadequate surface water drainage, flooding, and the release of pollutants from contaminated land.

5.35 The applicant has produced a Flood Risk Assessment and Land Contamination Assessment which collectively conclude that there would be a low risk of flooding or contamination as a result of the development. The control of pollutants would be monitored by the Environment Agency through the environmental permitting process; however it is recommended that conditions are imposed on any planning permission issued requiring the submission for approval of detailed foul and surface water drainage schemes including the installation of oil receptors prior to the commencement of the development.

5.36 Subject to the inclusion of the recommended conditions on any planning permission granted, the development is considered to be in accordance with the ground and surface water elements of policies WDC1 of the Waste DPD, MLP7 of the Minerals Local Plan and D1 of the Local Plan.

5.37 Impact on Cotton Valley Sewage Works

Policy WA2 of the Waste DPD safeguards the Cotton Valley Sewage Treatment Works site for its intended use. The policy states that development within or adjacent to the site will not be permitted if it would prevent or restrict the extent to which a site may be used for the permitted acceptable waste management purpose. No objections have been received from Anglian Water, however the Officer has been advised that foul sewer pipes are located beneath the proposed waste building, overnight parking area, and the habitat area to the north of the site and that access to these pipes would be required for maintenance purposes. Anglian Water advise that the site should be reconfigured to allow access; or alternatively that the pipes must be diverted under Section 185 of the Water Industry Act 1991 prior to the commencement of the development.

5.38 The requirement to divert the sewers is not considered to be a matter that should be resolved as part of the planning application process as it is covered by separate legislation and a separate consent regime is in existence under the Water Industry Act 1991. It is suggested that an informative is included on any planning permission issued advising the application of the need to provide maintenance access to the sewer pipes or to divert them prior to the implementation of planning permission.

5.39 From a planning perspective, there is no evidence to suggest that the proposal would prevent or restrict Anglian Water from operating the sewage treatment works therefore there is no known conflict with policy WA2 of the Waste DPD that would justify the refusal of planning permission in this instance.

5.40 Conclusion

The development would facilitate the diversion of waste from landfill and sustainable use of minerals on a site that is in existing waste management use therefore is supported in principle. The effects of the development would be effectively mitigated and/or offset therefore it is not considered that there are any adverse impacts that would warrant the refusal of planning

permission in this instance. The proposal is in accordance with development plan policies at the local and national level therefore planning permission should be granted subject to the conditions set out below.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

- 2 No operation authorised by this planning permission shall be carried out other than between the following hours:

7am to 7pm Mondays to Fridays

7am to 5pm Saturdays (deliveries only are permitted after 1pm on Saturdays)

10am to 4pm Sundays and Bank/Public Holidays (deliveries only)

Reason: To protect the local amenity from disturbance in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 3 Prior to the commencement of the development, details of the materials to be used in the construction of the waste building shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the colour for the building exterior. The building shall thereafter be constructed in accordance with the approved details.

Reason: To reduce the visual impact of the building in accordance with saved policy D2 of the Local Plan.

- 4 No waste shall be sorted or processed other than inside the waste building.

Reason: To protect the amenity of the local area from noise, dust and odour in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 5 No lighting shall be erected at the site other than in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented for the duration of the development thereafter.

Reason: To protect the amenity of the local area and to prevent harm to

protected species in accordance with policies WD1 of the Waste DPD, MLP7 of the Minerals Local Plan and saved policy NE1 of the Local Plan.

- 6 No aggregate or waste shall be crushed on site.

Reason: To protect the amenity of the local area from unacceptable noise nuisance in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent revisions, modifications, revocations or re-enactment of that order, no buildings, structures, plant or private ways other than those for which permission has already been granted shall be erected, extended, installed or replaced at the site.

Reason: To prevent harm to the amenity of local residents, residents of Willen Hospice and recreational users of Willen Lake North from unacceptable nuisance through noise, dust and odour in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 8 Stockpiles of material shall not exceed 6m in height.

Reason: To prevent an unacceptable visual impact in accordance with saved policy D2 of the Local Plan.

- 9 Prior to the commencement of the development, a Dust Action Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall thereafter be implemented in accordance with the approved details for the duration of the development.

To protect the amenity of the local area from dust in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 10 Prior to the commencement of development, a scheme for the disposal of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full thereafter and retained for the duration of the development.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with National Planning Policy Framework paragraphs 109, 120 and 121.

- 11 Prior to the commencement of development, a scheme for the installation of oil separators shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full thereafter and retained for the duration of the

development.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants in accordance with National Planning Policy Framework paragraphs 109, 120 and 121.

- 12 Prior to the commencement of development a detailed design, and associated management and maintenance plan for the surface water drainage scheme for the site shall be submitted to and be approved in writing by the local planning authority. The management and maintenance plan shall include a detailed time table for the implementation of the surface water drainage scheme. The approved drainage scheme shall subsequently be implemented in accordance with the approved detailed design and in accordance with the approved time table for implementation and be retained thereafter.

Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of flooding on or off site in accordance with saved policy D1 of the Local Plan.

- 13 Prior to the commencement of development, a Site Management Protocol shall be submitted to and approved in writing by the Local Planning Authority. The Protocol shall include details of the management of vehicles accessing and manoeuvring within the site as well as details of how conflict between pedestrians and vehicles would be avoided. The approved Protocol shall be implemented in full thereafter for the duration of the development.

Reason: To reduce the risk of accidents in accordance with saved policy T10 of the Local Plan.

- 14 The total number of heavy goods vehicle movements to and from the site shall not exceed 240 per day (120 in, 120 out).

Reason: In the interests of highway safety and to protect the amenity of the local area in accordance with saved policy T10 of the Local Plan.

- 15 Prior to the commencement of development, details of the security access gates shall be submitted to and approved in writing by the Local Planning Authority. The approved access gates shall be erected prior to the commencement of development and retained for the duration of the development thereafter.

Reason: In the interests of highway safety and to protect the amenity of the local area in accordance with saved policy T10 of the Local Plan.

- 16 No vehicles carrying aggregates or waste shall enter or egress the site unsheeted or uncovered.

Reason: To prevent waste from being deposited on the public highway

and to reduce the emission of airborne particles in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 17 Prior to the commencement of the development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed species, locations for planting, maintenance measures, and a commitment to replace any plants that die or become diseased within the lifetime of the development. The approved scheme shall be implemented thereafter during the first planting season following the commencement of development.

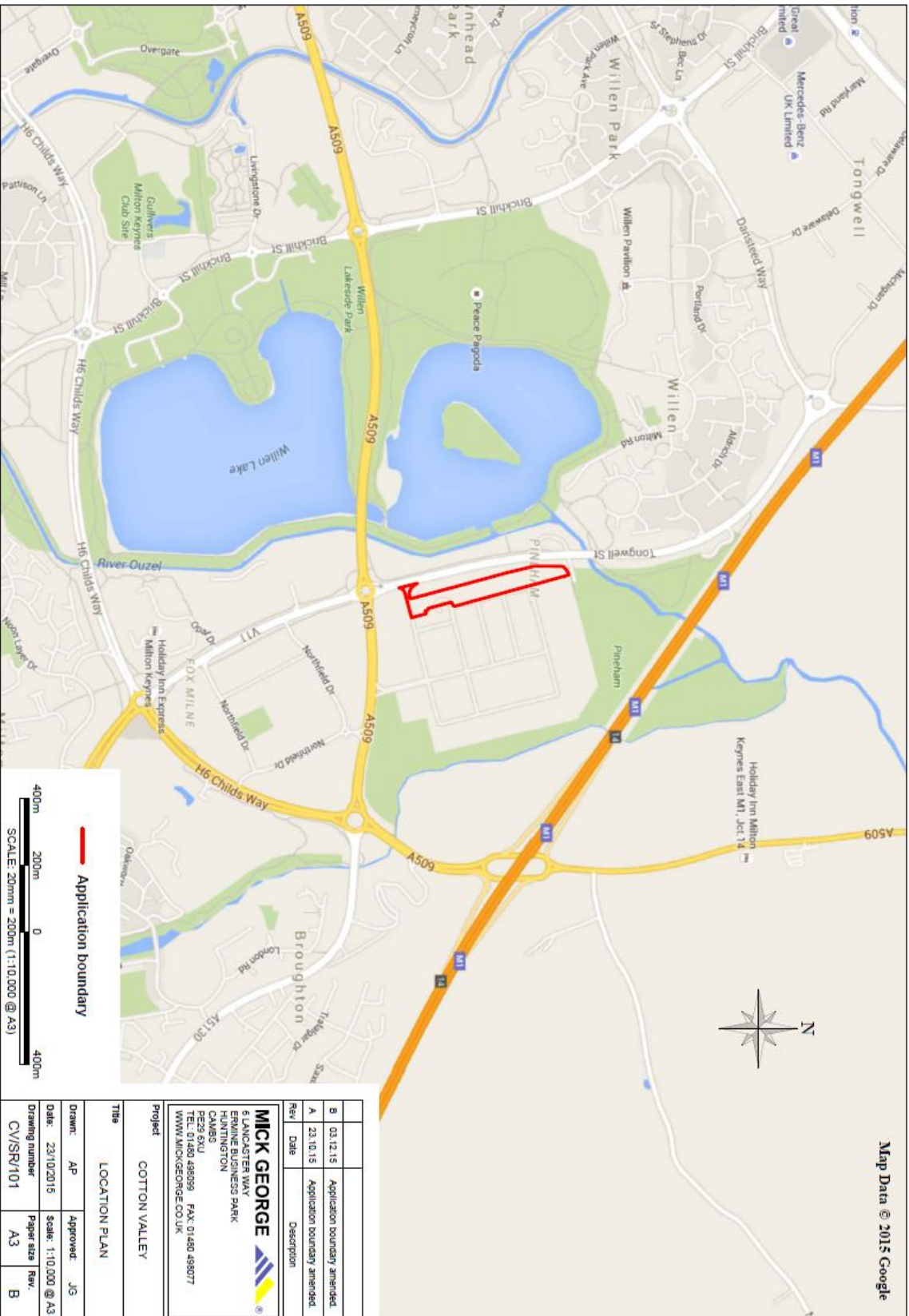
Reason: To reduce the visual impact of the building in accordance with saved policy D2 of the Local Plan.

- 18 Prior to the commencement of construction works, a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the trees to be protected as well as details of the protection measures to be employed which shall be in accordance with BS 5837:2012. The approved protection measures shall be implemented prior to the commencement of construction works and retained for the duration of the development or in accordance with a timetable set out in the plan.

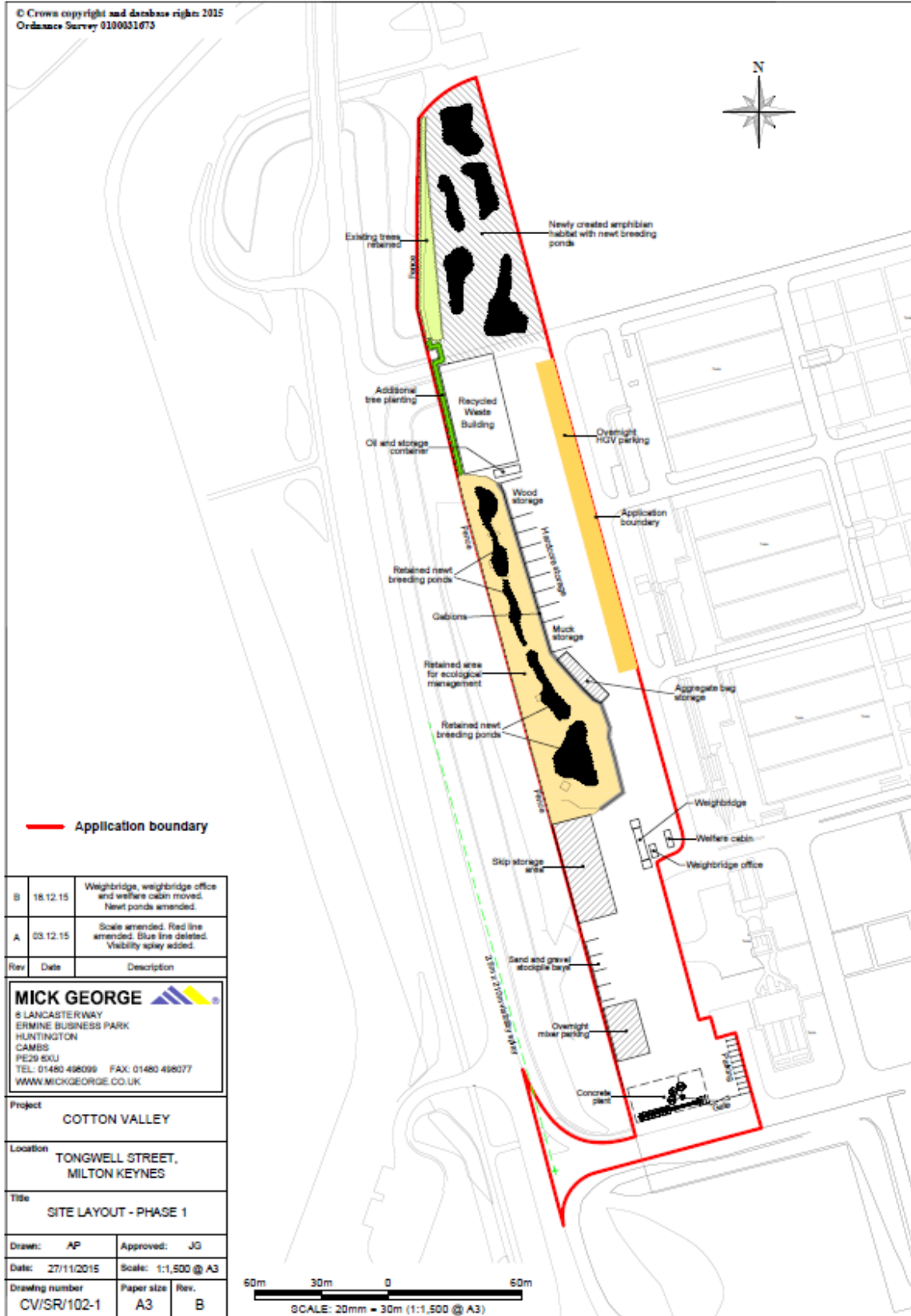
Reason: To protect existing trees and hedgerows from harm in accordance with policies WD1 of the Waste DPD and MLP7 of the Minerals Local Plan.

- 19 The development shall be carried out in complete accordance with the Combined Mitigation Strategy for Great Crested Newts, Reptiles and Watervole (FPCR report dated January 2016). The mitigation strategy shall be maintained thereafter in accordance with details that have first been submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To mitigate the impact of the development on protected species in accordance with saved policy NE1 of the Local Plan.



Map Data © 2015 Google



Application boundary

Rev	Date	Description
B	18.12.15	Weightbridge, weightbridge office and welfare cabin moved. Newt ponds amended.
A	03.12.15	Scale amended. Red line amended. Blue line deleted. Visibility splay added.

MICK GEORGE
 5 LANCASTERWAY
 ERMINE BUSINESS PARK
 HUNTINGTON
 CAMBS
 PE29 6XU
 TEL: 01480 498099 FAX: 01480 498077
 WWW.MICKGEORGE.CO.UK

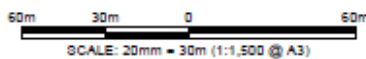
Project: COTTON VALLEY

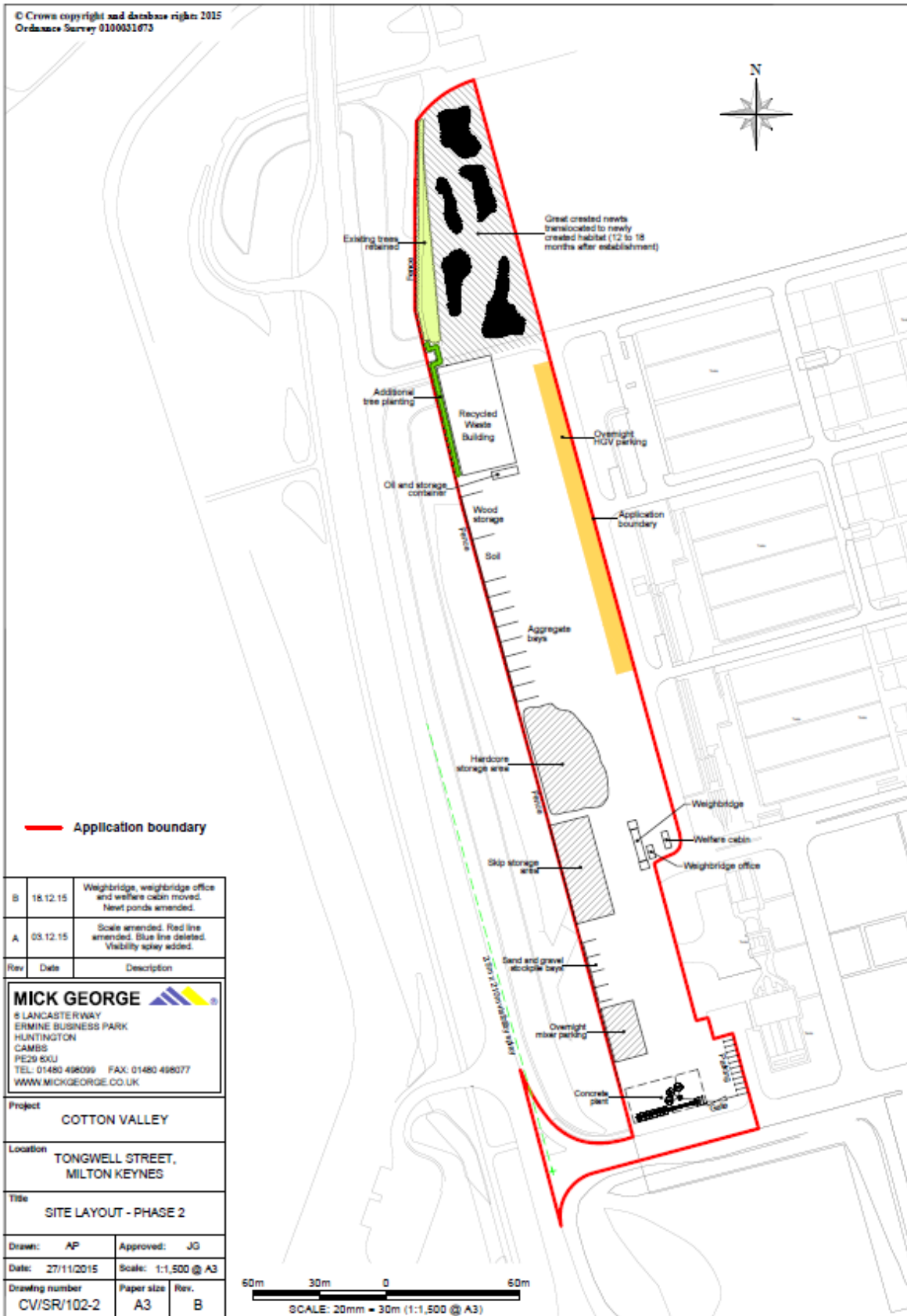
Location: TONGWELL STREET, MILTON KEYNES

Title: SITE LAYOUT - PHASE 1

Drawn: AP Approved: JG
 Date: 27/11/2015 Scale: 1:1,500 @ A3

Drawing number: CV/SR/102-1 Paper size: A3 Rev: B





Application boundary

Rev	Date	Description
B	18.12.15	Weighbridge, weighbridge office and welfare cabin moved. Nest ponds amended.
A	03.12.15	Scale amended. Red line amended. Blue line deleted. Visibility spray added.

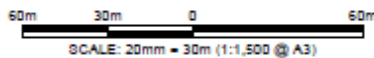
MICK GEORGE
 8 LANCASTERWAY
 ERMINE BUSINESS PARK
 HUNTINGTON
 CAMBS
 PE29 5XU
 TEL: 01480 498099 FAX: 01480 498077
 WWW.MICKGEORGE.CO.UK

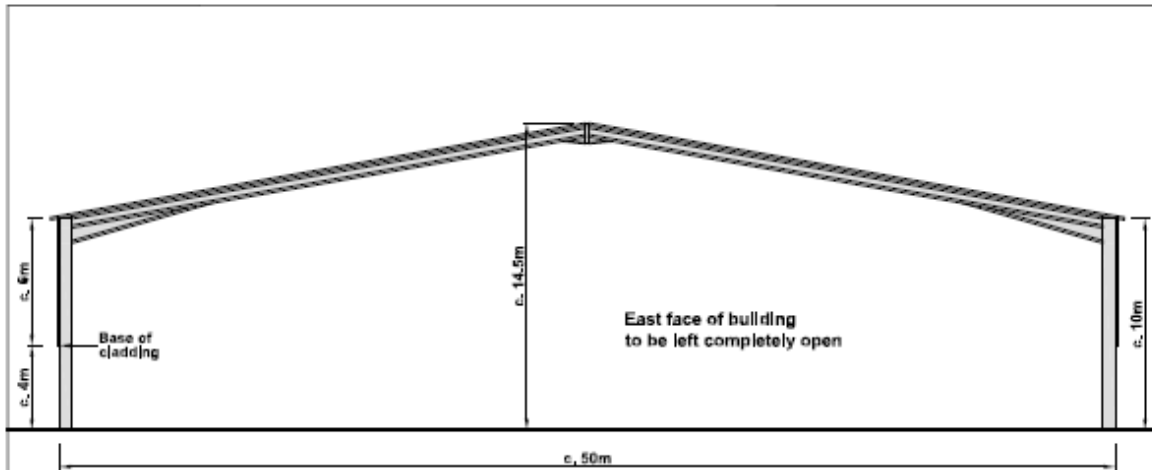
Project: COTTON VALLEY

Location: TONGWELL STREET, MILTON KEYNES

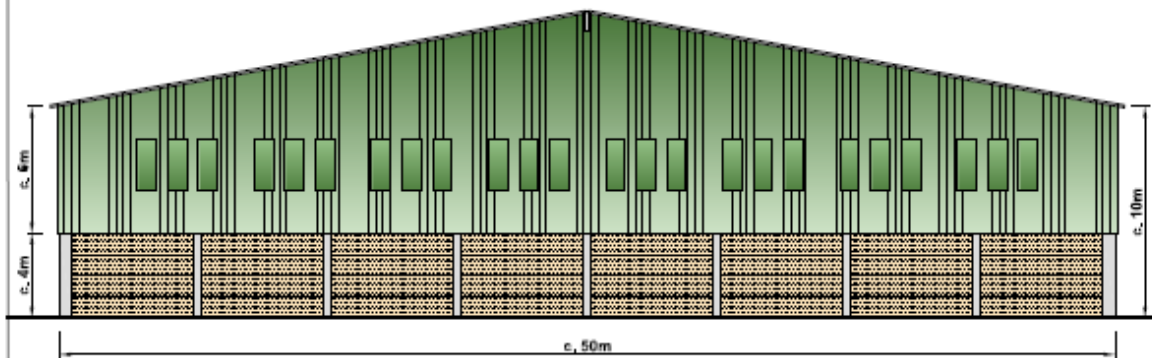
Title: SITE LAYOUT - PHASE 2

Drawn: AP	Approved: JG
Date: 27/11/2015	Scale: 1:1,500 @ A3
Drawing number: CV/SR/102-2	Paper size: A3 Rev.: B

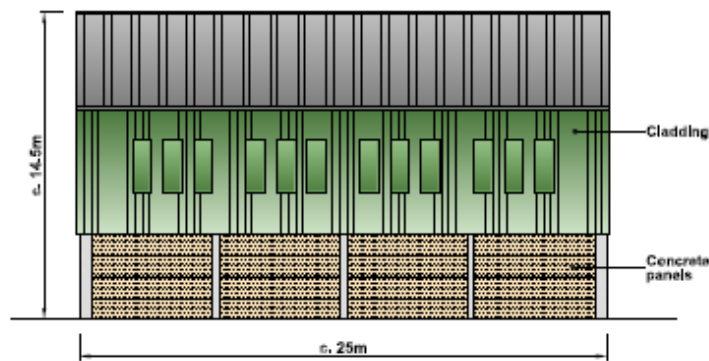




TYPICAL EAST ELEVATION



TYPICAL WEST ELEVATION



TYPICAL SIDE ELEVATIONS

Rev	Date	Description
MICK GEORGE SECOND DRIVE MEADOW LANE SL NES CAMBRIDGESHIRE PE27 4YQ Tel: 01480 496030 Fax: 01480 496077 www.mickgeorge.co.uk		
Project: COTTON VALLEY		
Location: TONGWELL STREET, MILTON KEYNES		
Title: WASTE RECYCLING BUILDING ELEVATIONS		
Drawn: AP	Approved: JG	
Date: 28/10/2014	Scale: 1:200	
Drawing number: CV/SR/103	Paper size: A3	Rev: -

Appendix to 15/02731/MIN

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 14/00272/EIASCO

Scoping opinion request for the development of a waste recycling and waste transfer facility within the curtilage of the waste water treatment site
EIASOI 11.04.2014

14/02589/MIN

Construction of waste transfer station, ready mixed concrete plant and overnight parking of 14 x HGVs
REF 23.06.2015

15/01044/MIN

Construction of sludge reception building and associated apparatus in association with sludge cake processing. Associated landscaping.
PCO

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that will affect the layout of the site. Within the site boundary there are a number of foul sewers which appear to be located under the proposed Recycled Waste Building, overnight mixer parking and the amphibian habitat with newt breeding ponds. It is therefore unclear how Anglian Water as sewerage undertaker would be able to continue to access these foul sewers for maintenance. In particular the creation of a new habitat for Great Crested Newts which are identified as a European Protected Species would prevent Anglian Water being able to access these sewers without complying with the relevant legislation. Therefore it is recommended that the proposed site layout plan should be amended to take account of the existing foul sewers within or close to the site boundary.

If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. Please note the diversion works should normally be completed before development can commence.

Anglian Water therefore request that a suitably worded condition is imposed on the planning permission of the Local Planning Authority is minded to grant planning approval. This will ensure the diversionary works are undertaken prior to the commencement of the development and that the proposed development does not prejudice the operation and maintenance of the sewerage network.

Development should also be restricted within 15m of a sewage pumping station by

Officer Response

Noted. Please see paragraphs 5.34-5.39 of this report.

condition if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.

The foul drainage from this development is in the catchment of Cotton Valley Recycling Centre that will have available capacity for these flows. A foul water strategy should be secured through a condition if the proposed method of disposal is to the public sewer.

Environment Agency

We consider that planning permission could be granted subject to conditions requiring the submission for approval of schemes to dispose of foul and surface water drainage and the installation of oil separators.

Noted. Conditions are recommended as requested.

The Lead Local Flood Authority should review and comment on the submitted Flood Risk Assessment.

The LLFA has commented on the Flood Risk Assessment.

The operator has obtained an Environmental Permit from us.

Noted.

Lead Local Flood Authority

The LLFA initially objected to the application however additional information was submitted by the applicants to address those concerns. Following the receipt of additional information, the LLFA confirmed that it has no objection to the proposal subject to a condition requiring the submission for approval of a detailed design and associated management and maintenance plan for the surface water drainage scheme.

See paragraphs 5.34-5.36 of this report.

Highways Development Control

The Highway Engineer initially requested clarification on a number of technical matters. Since further information was provided by the applicant, the Engineer has commented as follows:

See paragraphs 5.26-5.29 of this report.

I am happy with the revised layout plans subject to conditions requiring details of the security access, limiting vehicle movements to those proposed, and requiring the

submission of a Site Management Protocol to include details of how vehicles are managed when they arrive at the site and during their time at the site as well as a plan showing provision for pedestrian movement within the site.

Environmental Health Manager

Please see paragraphs 5.7-5.19 of this report.

Summary:

On the basis of the information provided, and the proposed mitigation measures, it is not considered that there are sufficient grounds to object on potential noise impact. There is no objection with regard to dust and odour emissions from the proposed activities.

Noise Impact Assessment

In determining noise impact for proposed industrial type developments an assessment is required to be carried out as per BS 4142: 2014.

BS 4142:2014 is a British Standards Publication which is used to determine whether sound from industrial and commercial premises is likely to give rise to complaints by determining sound levels to the external areas of noise sensitive premises.

In scenarios where planning permission is requested for an activity the method of making this determination is based on taking measurements of background sound levels and using reference activity sound levels to predict the sound levels at noise sensitive receiver points.

Where the predicted sound level is lower than the actual background sound level it is determined that the proposed activity would not have an adverse effect on the acoustic environment.

Sound and 'noise' (unwanted sound) can be highly subjective. Peoples' sensitivities to 'noise' and 'loudness' (a subjective interpretation of sound pressure levels) can vary

significantly from person to person, and further to that, peoples' ability to determine the presence of sound at certain frequencies alters over time with age, creating a biological frequency filter. This can cause certain frequencies to appear more prominent in the personal experience of the soundscape.

The 'context' in which the sound might be heard would also be a significant determining factor in whether it causes a person disturbance. For instance, a dripping tap could not be considered to be 'loud' or high in magnitude in sound pressure level terms, but in the context of a person trying to sleep, that sound against a quiet background has the potential to cause great annoyance and prohibit sleep with potential to cause health effects .

BS4142 takes sound characteristics into account when determining the impact on a noise sensitive receiver. Sounds which have a particular '*tone*' (a prominence in a certain frequency band), or are '*impulsive*', or are '*intermittent*', or have other '*specific sound features*' carry a penalty when determining the impact of the sound on the receiver hence increasing the likelihood of that sound to give rise to complaints.

The presence of acoustic characterises can be determined subjectively or by measurement and analysis, although in the instance of a planning application where the proposed use is not yet occurring, the likelihood of these characteristics being present can be predicted, or a similar activity or process at another location can be observed.

A number of factors will affect noise impact, over all sound pressure level, meteorological effects (wind speed and direction, rain) the topography and acoustic characteristics (dominance of particular frequencies or their harmonics) for instance.

It should be noted that sound pressures are measured in decibels (dB) which is a non-linear, logarithmic scale:

i.e.

$$50\text{dB} + 50\text{dB} = 53\text{dB}$$

50dB + 50dB \neq 100dB.

A three decibel increase or decrease is the smallest approximate change which is identifiable by humans but represent a doubling (or halving) of sound pressure level.

Furthermore, it should be noted that where two decibel levels are added together, and one of the numbers is more than 3dB smaller than the other, there is not a discernible increase in sound pressure level.

i.e.

80dB + 50dB = 80dB

Sounds with a higher decibel level will display dominance, however, acoustic characteristics or certain frequencies might make certain sounds appear more prominent.

As mentioned, BS4142: 2014 is a method for determining the likelihood of complaint, it is not a measure for determining the existence of statutory nuisance (as per the Environmental Protection Act 1990) alone. Also it cannot be used to determine any potential effect on users of the recreational areas but is the relationship between the background sound pressure level outside dwellings and the sound created by a particular commercial or industrial process or activity.

Common noise mitigation measures and sound propagation features

Controlling the sound at source – embracing and utilising inherently quiet equipment or practices – ‘quiet by design’

Barriers: removal of the line of sight between source and receiver by a housing or barrier. Sound waves generally travel in straight lines radiating from the source (in the absence of

interfering factors) so obstructing the line of sight also obstructs the acoustic waves. These work best when they are closest to either the source or receiver. Sound generated at ground level propagates by hemispheric radiation from the source, a barrier between the source and receiver either absorbs and / or reflects the sound.

Distance – sound radiates hemispherically from a point source on the ground (spherically from a point in open space) and energy is dissipated in the atmosphere with distance from the source.

Prevailing wind will affect hemispherical radiation.

Ground absorption – the quantity of absorption depends on the type of ground, absorption over grassland is greater than absorption over a body of water (which is an acoustically reflective surface).

Orientation of activities on the site – directing activities away from noise sensitive receivers can focus sound waves.

Screening with vegetation can only bring a small actual reduction in noise impact but does have the psychological effect of reducing impact.

Planning Policy on Noise

Para 123 of the National Planning Policy Framework (NPPF) states that:

‘Planning policies and decisions should aim to:

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life. * (as per the Noise Policy Statement for England (NPSE))*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions*

- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'*

** NPSE: (It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.)*

Bearing this in mind, in undertaking an assessment of noise impact, it can be said that using empirical data, gathered through BS4142 methodology, can be of use in determining whether an impact could be classed as 'significantly adverse'. The BS4142 assessment is discussed in the following sections.

Background sound levels

Where BS4142 is applied, the noise assessment considers the impact of the sound from the proposed activity on the existing background sound.

Much the same as the eastern and southern elevations of the northern Willen Lake, the dominant and constant background sound at the proposed site and on the residential area is that of traffic noise from the V11, H5 and M1, with traffic on the surrounding local residential streets to a lesser extent.

There are vehicle movements on the Anglian Water Sewage Treatment Works but their overall contribution to the background sound is not considered to be high in proportion to the contribution from the V and H roads and the motorway. The treatment works itself is a relatively quiet operation.

Sounds from the industrial estates to the south are not considered to significantly contribute to the background sound levels.

Noise impact from the proposed activity

On the proposed site there are a number of potentially 'noisy' activities. In the acoustic reports that have been submitted, each proposed site activity is considered and calculations made as to their impact on the nearest noise sensitive receiver.

The potential impact has been determined by the applicant through calculation and what is known about the characteristic sounds produced by the proposed activities. The report states the assessment is based on '*worst case assumptions*'.

The submitted noise assessment reports suggest that the calculated rating level falls below existing background levels at receptor locations, and concludes that there is '*positive indication of the specific sound source having a low impact during the daytime and night-time period.*'

Users of the lake and lakeside area are transient, so would not be exposed to significant adverse impacts on health and quality of life. Noise impact would be more of a consideration for peoples' residences as fixed locations which frequently and routinely inhabited.

The report indicates a 0.3dB increase at the 'park receptor'. A change in sound pressure level of that magnitude would not be perceptible to a person, the widely accepted minimum change which is perceptible is a change of 3dB.

The northern lake is bounded by the V11 (and M1) to the east and the H5 to the south, these roads carry (depending on time of day) fast moving and heavy traffic and the resulting background sound levels in the vicinity reflect this.

Proposed site activity noise impact

Whilst the presented calculations are generally agreed, the only scope for disagreement lies with the addition of acoustic penalties through BS4142. These penalties can be applied subjectively and their impact is considered at the receiver location. The difference in the application of the penalty depends on whether a sound (which has tonal, impulsive, is intermittent or has other sound characteristics) is determined to be '*Just perceptible*', '*Clearly perceptible*', or '*Highly perceptible*' at the receiver location. Simply put, the more perceptible the characteristic; the higher the penalty.

In the provided assessment, consideration has to be made for the degree to which sound on site will be masked by (or contribute to) the background sound levels and what control measures will achieve by way of mitigation.

The nearest residential property from the site boundary is c. 240m away so it is at that point that consideration has to be made for the perceptibility of any sound characteristics.

Proposed onsite mitigation measures and mitigating circumstances

The proposed noise mitigation measures for the site are summarised as follows:

- A reduction in the site level – the proposal includes lowering the level of the site in relation to the surrounding ground in order to remove line of sight of activities between source and receiver. This is not complete line of sight removal in all circumstances but partial in some circumstances which reduces the effectiveness of the barrier.
- A 4.5metre site acoustic barrier wall, relative to operations, along boundary with V11

– and a 3.5m clad wall to match height of the waste recycling building.

- Material stock pile and hardcore storage area with precast concrete retaining wall blocks will act as a noise bund.
- Operations moved towards the south end of the site, with repositioning of the new ponds to the north.
- Orientation of site activities – the open elevation of the recycled waste building is directed away from residential properties on Willen, towards the M1.
- Additional tree planting proposed on site boundary. Whilst there will not be a sizeable reduction in sound pressure level at a noise sensitive receiver, the planting will provide visual masking of onsite processes and have a psychological effect in reducing any sound impact.
- The prevailing wind direction is towards the M1 (west-southwest), away from the nearest noise sensitive receptors on Willen.

Permitted Activities and Controls

There are two proposed 'permitted' activities on the site, one is the waste handling operation, which is permitted by the Environment Agency and the other is the concrete batching activity which is permitted by the Local Authority.

The Environment Agency have already granted a permit for the site to operate and it would be the Environment Agency who would investigate any complaints concerning pollutants from the site including emissions of noise, dust, odour.

On request, the Environment Agency can require the operators submit an emissions management plan.

Having a permit for an activity does not mean that a Statutory Nuisance (under the Environmental Protection Act 1990) could be created. Investigations into complaints statutory nuisance are investigated by the Local Authority. In making an assessment the Local Authority and the Courts would have to consider if Best Practicable Means were being employed at the site.

Environment Agency Permitted Activity

The Environment Agency is responsible for permitting waste activities and for the enforcement of permit conditions. A permit was granted on 3-Jun-15 and this contains conditions relating to control of dust, odour and noise. The Environmental Statement in the planning application provides further information on how the waste activity will be run to minimise pollution; Odour Management Plan (OMP), Dust Action Plan, sheeted HGVs, bowser on site, regular road sweeping. Dust emissions can easily be suppressed by employing these measures. Odour is not likely to be an issue from aggregates, soil and wood, however the permit allows wastes to be handled from a wide range of sources as listed in Schedule 2 and for these materials the OMP would be followed to ensure odour emissions do not give rise to complaints.

The following conditions are attached to the permit concerning emissions from the site:

Odour

'Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless to operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise odour.'

Noise and vibration

'Emissions from the activities shall be free from noise and vibration at levels likely to

cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.'

Complaints of environmental pollution (noise, air, land, water) will be investigated by the Environment Agency for activities which are permitted by them.

Local Authority Permitted Activity

Part B Permit under the Environmental Protection Act 1990.

The proposed concrete batching activity is permitted by the Local Authority and in terms of pollution control, covers emissions to air (not noise) from the concrete batching plant.

Dust and Odour

The waste transfer station activities are permitted by the Environment Agency; Permit Number EPR/CB3300HV (3-June-2015). The concrete batching plant will require a Part B permit from the Environmental Health Department (an application has not yet been made).

Concrete batching plant

Permit conditions have been standardised by Defra into a "model" permit that is applicable to all plant in England. Operators must use Best Practicable Means (BPM) as described in the attached Process Guidance Note PG3/1 (12) "Statutory guidance for blending, packing, loading, unloading and use of cement". This document also contains an example of an application form and model permit. Emission standards can be found in the table on page 14, reproduced in the permit on page 53. The requirement is that there shall be "no visible airborne emission crossing the site boundary where harm or nuisance may be caused". It is not difficult for operators of concrete batching plants to achieve

compliance with the permit conditions; there are currently four permitted plants running successfully within the Borough. There are no odour issues associated with concrete batching. Part B permits do not include noise conditions.

Note on Statutory Nuisance

Outside of the planning process the method by which the Environmental Health Department investigate complaints of noise impact is from the perspective of people at residential property and is in terms of Statutory Nuisance. There is not a defined decibel level over which a statutory nuisance can be said to exist.

Case law sets precedent, and a statutory noise nuisance can be broadly and briefly defined as a noise which causes a material interference with the enjoyment of property.

When investigating complaints of noise this is usually a subjective assessment of the noise by an authorised officer, but BS4142 can be used to assess the likelihood of complaint and that can be used in support of an investigation into the existence of a statutory nuisance. If a statutory nuisance exists, the Local Authority are obliged to serve a statutory nuisance abatement notice.

In making the assessment of the existence of a statutory nuisance, an authorised officer would have to consider whether 'Best Practicable Means' were being employed by the company in their undertaking. The Court's would ultimately determine whether a company has a defence in nuisance of Best Practicable Means, but an officer would have to carefully consider whether such a defence existed.

Conclusion

On the basis of the information provided, and the proposed mitigation measures, it is not considered that there are sufficient grounds to object on potential noise impact. There is no objection with regard to dust and odour emissions from the proposed activities.

Senior Landscape Architect

The proposed narrow strip of new planting along the west side of the Recycled Waste Building will not deliver screening of sufficient height and width to mask the scale of the building.

Please see paragraphs 5.20-5.24 of this report.

To satisfactorily soften and substantially mask (with time) a building of this size trees such as broadleaved woodland trees would need to be specified and sufficient buffer space provided alongside the building to allow large trees to mature to their natural size without conflicting with the building façade and being a maintenance burden. For example an oak tree could grow to more than 12m in height by 8m in spread. Therefore a buffer of at least 10m would be recommended to the west elevation of the proposed recycled waste building (an approximate 2m strip on the west side is shown on the proposal). Greater screening measures should also be considered for the north and south elevations.

The worst visual impact shown on the photomontages are nearby views along Tongwell Street and from the water's edge at the sluice gates to Willen Lake, This is largely due to the lack of tall tree species in close proximity to these viewpoints i.e between the road and the site and between the lack and the site. Most long distance views would largely be screened by distance and the layering effects of established substantial screen planting.

In addition to a 'on site' landscape buffer (at least 10m wide), an off-site landscape screen should be considered in agreement with the Parks Trust/Highways (depending on location). Treatment to the façade of the building could also be considered in the selection of materials and/or climbing plants.

Internal Drainage Board

The Board has no comments to make regarding this application.

Noted.

Natural England

Natural England has no comments to make on this application.

Noted.

Following additional correspondence with the Case Officer, Natural England stated that:

This application has been identified as having the potential to lead to a large scale loss of biodiversity and habitat sites. Natural England would therefore support the advice provided by the Council's Countryside Officer in his consultation response. This identified the importance of the biodiversity offsetting being followed and a long term biodiversity management plan.

Countryside Officer (Ecology)

The Ecological Appraisal & Protected Species Survey is acceptable.

Please see paragraphs 5.30-5.33 of this report.

It is clear from the information submitted that the proposal would lead to a net loss in biodiversity across the site and so it would be in conflict with local and national policy in this respect. A biodiversity offsetting process that ensures offsite habitat creation will need to proceed, so as to compensate for the on-site habitat loss. This will require the applicant to work with an off-setting broker, probably the Environment Bank, to find a suitable site for off-setting within the local authority area.

Due to the projected large scale of biodiversity loss, if a biodiversity off-setting methodology is not followed, or the proposals revised so as to not result in a net biodiversity loss I will have to object to the proposed development.

Proposals for the translocation of protected species, new habitat creation, avoidance, and mitigation actions regarding other protected species and the cinnabar moth will need to be conditioned.

A long-term biodiversity management plan will need to be written, expanding on the current outline biodiversity management plan. The biodiversity management plan will need to be conditioned.

Milton Keynes Parks Trust

The landscape impact assessment for the application makes reference to the existing trees along the west side of the site area, which are in the Trust's V11 corridor. It states that these trees are to be retained. The Trust's policy for tree plantations along grid roads

Noted.

such as this is not to retain all trees per se but to manage the stands in accordance with the original objectives for these areas. This is to achieve a mixed woodland effect (broadleaves and evergreens) with a high forest structure in accordance with good silvicultural principles. This means that from time to time thinning of trees will be carried out to favour the growth of selected standard of trees and periodic coppicing of understorey.

We also note in the landscape impact assessment that the Recycled Waste Building would be partially visible from the part of the Trust's land along Willen Lake North and from the linear park at Pineham where the BMX track is located. This would have some impact on the local landscape character in that relatively few buildings are currently visible from these areas. The greatest landscape impact would be from the land on the east side of Willen Lake nearest the proposed building, although the presence of traffic along the V11 already has an impact on the character of this location and most recreational users of this area will tend to be taking in the views in the opposite direction across the lake. However, it would be beneficial if additional landscape mitigation to reduce the impact of this building was required as a condition of any planning consent. If this necessitated additional planting on Parks Trust land, this would only be possible under terms acceptable to the Trust in consideration of the current and potential future recreational use of the land and a financial arrangement to cover the establishment and long term future maintenance costs of the planting.

The Trust would be concerned if the proposed development were to have a negative impact on its parkland in terms of other environmental considerations such as noise, dust and odours. We are not qualified to assess the environmental statement and the proposed controls and mitigation measures in the application in these respects. We therefore rely on the Council's planning/environmental health processes to objectively assess whether the proposed measures and operational procedures in the application are adequate to avoid potential environmental harm or nuisance.

Campbell Park Parish Council
Objection on the following grounds:

Please see paragraphs 5.20-5.24 of this report.

Please see paragraphs 5.10-5.19 of this report.

Please see paragraphs 5.10-5.29 of this report.

1. Noise disturbance – The application is closer and noise measured at higher levels than the motocross proposal which was rejected at appeal due to noise disturbance. The current application would also result in a harmful impact on Willen residents. Considering the current application is closer to Willen and the noise at source is higher we conclude this could have a devastating effect on quality of life for the residents. We have concerns regarding the accuracy of the applicant's noise assessment with regard to distances used for projected noise impacts.
2. Hazardous waste handling near public park and residential properties. This would represent a serious potential hazard to the residents of Willen and lake users.
3. Visual impact and character of the area – The development would be visible about the existing landscape. This would destroy the rural setting of the Willen Lake North which is a significant asset for Milton Keynes and of vital importance as a tranquil setting for Willen Hospice, St Mary Magdalene Church (Listed Building) and the peace pagoda. Willen Lake North is noted for its wildlife is a rare birds 'hot spot' and home to large numbers of overwintering immigrant fowl. The lakeside is popular for quieter pursuits such as fishing, walking and cycling. The proposed development would be in clear conflict with the character of the area.
4. Traffic – The applicants traffic report is based on a comparison with all traffic movements and not measured against specific increase in HGV traffic. The applicants HGV traffic movements have been stated as 240 movements per day on average which equates to an excessive 87,600 movements PA which would completely transform the current serene setting to an area of heavy industry. The additional HGV movements would create a significant additional noise disturbance, completely inappropriate for this location.

The applicants do not propose to import hazardous waste to the site. The types of waste allowed would be controlled by the Environmental Permit.

Arboriculture Officer

My main concern is the large trees in the existing planting to be retained at the north end of the site. I take the location of the ponds, hollows and mounds to be indicative because there should be no excavation earthworks or machinery within the root protection areas of those trees. The trees should be protected in accordance with BS 5837 2012 and the fencing should be erected before any other works commence on site. The same goes for

Noted. Please see paragraph 5.23 of this report.

the other areas of tree and hedges which should be fenced outside of the site before any other works take place. The tree protection specifications and plans are to be submitted and approved before commencement on site.

Other

No comments were received from Broughton & Milton Keynes Village Parish Council, Ward Councillors Sam Crooks and Catriona Morris, the Footpath Officer, and Beds, Bucks and Oxon Wildlife Trust.

Councillor John Bint is a member of the Development Control Committee.

Local Residents & Organisations

The occupiers of the following properties were notified of the application:

- Odd No.s 85-109 & 108 Aldrich Drive, Willen
- 7-18 Chillery Leys, Willen
- 1-38 Dean Forest Way, Broughton
- 4 & 5 Linford Lane, Willen
- 4, 11, 12, 15 & 16 Milton Road, Willen
- 2 Southfield Close, Willen
- 38 Portland Drive, Willen
- 3 Corbett Close, Willen
- 19 Millington Gate, Willen
- Hospice of Our Lady And St John, Willen
- 24 Landsborough Gate, Willen
- Evans Halshaw Jaguar, Northfield Drive
- Former Duo Fast Uk Ltd, Northfield Drive
- Sigma House, Northfield Drive
- 10 Northfield Drive, Northfield
- Wayside Seat, Northfield Drive
- M1 J14 Site Offices, Portway

26 letters of representation have been received; 25 in objection and 1 neither in support or objection. The issues raised were as follows:

- Unacceptable noise impact on residents of Milton Road, Willen and Willen Hospice
- Incompatibility with heritage designations
- Incompatibility with nature of willen lake north as wildlife and quiet recreational area
- Would impact on visitor's first impression of the city
- Would be better located elsewhere
- Dust and debris
- Disturbance to wildlife
- Traffic increase
- Increased noise
- Increased odour
- No assessment of traffic impact to Northfield Roundabout
- No assessment of noise impact on Broughton linear park
- Flaws in methodology of noise assessment
- No consideration of contamination
- No consideration of public health impact
- Overnight HGV parking would encourage crime
- Highway safety issues from large vehicles negotiating the roundabouts.
- Impact on character and appearance of the area

The matters are discussed within the main body of the report.

The site is not considered to be within the setting of the Willen Conservation Area.

The Officer has been made aware of an online petition against the development which, at the time this report was written, contained 2483 signatures.