

## ITEM 6(b)

**Application Number:** 20/00678/FULMMA

**Description** Variation of conditions 2 (operational life), 3 (restoration sequence) and 5 (final restoration of the site) attached to planning application MK/806/95 to extend the operational life of the site by 15 years with final restoration of the whole site to be completed within a further 24 months.

**At** Bletchley Landfill Site, Guernsey Road, Newton Leys, Milton Keynes, MK3 5FR

**For** FCC Environment

**Statutory Target:** 11<sup>th</sup> June 2020

**Extension of Time:** Yes 30th September 2020

**Ward:** Bletchley East

**Parish:** Bletchley and Fenny Stratford

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### 1.0 RECOMMENDATION

1.1 It is recommended that permission is refused for the reasons set out in this report.

### 2.0 INTRODUCTION

#### The Site

2.1 The application site is the existing Bletchley Landfill Site (known hereafter as LFS) which is located off Guernsey Road in Newton Leys. The LFS has been in operation since the 1970s and was constructed on the site of the former Newton Longville clay pit. Access is via a gated entrance off Guernsey Road which leads into the staff/visitor parking area and routes further into the site for waste delivery vehicles. The LFS covers a site area of 116ha.

2.2 The site is bounded by residential areas of Bletchley to the north and east. To the east is also the Blue Lagoon Nature Reserve and west coast railway line. Newton Leys is located to the south and west with Newton Longville village

beyond. As of the 1<sup>st</sup> of April 2020, of the originally permitted 1650 units a total of 331 units were left to be completed. There are no outstanding Reserved Matters applications left to be determined and the developer on site has advised that the development should be fully completed within the next 3-5 years.

- 2.3 A small section of the western boundary abuts the administrative control of Buckinghamshire Council (formally Aylesbury Vale District Council). Newton Leys remains under construction in-part but is completed in the main and the LFS is reached via Jersey Road leading onto Guernsey Road which also provides access to the Newton Leys Local Centre.
- 2.4 The current operation is run by the firm FCC Environment although was previously managed through different operators until FCC took over the site in 2004. The site now contains some areas which have been completed and filled already followed by restorative works (approximately 35% of the site).
- 2.5 The current operation takes place in the following ways:
- This LFS is the only non-hazardous waste facility within Milton Keynes.
  - This site receives waste that cannot otherwise be reused, recycled or recovered elsewhere and takes waste from a variety of locations. The LFS also accepts waste from a variety of locations and sources.
  - The waste arriving at the LFS is formed into 'cells' which are then deposited into the existing voids. This operation accepts a variety of types of waste.
- 2.6 The site also contains other waste processing facilities, operating under separate planning permission, such as a material recycling facility (MRF) which accepts waste from Milton Keynes and other authority areas.

### The Proposal

- 2.7 The application is made under Section 73 of the Town and Country Planning Act 1990, which confers power to amend or remove conditions and not to amend any other part of the permission. The outcome of a successful application is the grant of a wholly new planning permission which will sit alongside the original permission and the applicant is entitled to choose which planning permission to implement. The application proposes to vary conditions 2, 3 and 5 of permission MK/806/95 (permitted 6<sup>th</sup> February 2002, Decision Notice appended to this report as Appendix 2, hereafter referred to as the "2002 permission") which relate to the following:
- **Condition 2** - Operation Time Limit. The 2002 permission secured by condition the end of importation of waste materials after 20 years, therefore providing an end date of the 6<sup>th</sup> of February 2022. The request being considered is to extend this total period by a further 15 years resulting in a final date of the 6<sup>th</sup> of February 2037.
  - **Condition 3** – Restoration sequence arrangements to be in compliance with the submitted Site Restoration Sequence document. This application is

seeking to alter that sequence due to the changes in the requested lifespan of the operation.

- **Condition 5** – Site Restoration. The 2002 permission specified that restoration works following the operation ceasing would be required within 12 months. This application is seeking a further 12 months, to allow two years for the restoration at the site. The latest date for completion of the restoration would therefore be the 6<sup>th</sup> February 2039

- 2.8 The rationale for the requested changes to the previously approved conditions is provided within the supporting statement of the application. The most significant factor however has been highlighted as the way that waste is dealt with and the move away from landfill and the increase in recycling as there is a priority to deal with waste in a more environmentally sustainable way. As a result, the remaining void is taking significantly longer to fill than the original calculations predicted hence the request to extend the lifespan of the landfill operation by a further 15 years.
- 2.9 The application has not been revised during the application process however, where necessary, further details and clarity were provided following receipt of detailed consultation comments. These are discussed in more details in later sections of this report.
- 2.10 All other remaining conditions from the 2002 permission would remain in force/applicable so the day-to-day operations would remain as per the current situation on site.
- 2.11 The application was subject to a request for an EIA Screening Opinion, where it was confirmed that the proposal was not considered to be EIA development (19/01119/EIASCR).

#### Reason for referral to committee

- 2.12 The application has been referred to committee due to the controversial nature of the development, and due to a call-in by Bletchley and Fenny Stratford Town Council, and Ward Councillor Emily Darlington.

#### Scope of debate/decision

- 2.13 This application relates solely to the variation of conditions as set out above. The principle of development was previously established. However, due to the nature of this application, Members are being asked to consider the acceptability of extending this operation for a further 15 years and associated variations to the final restoration of the site. The related matters for consideration will be set out and discussed in sections 6 and 7 of this report.

### **3.0 RELEVANT POLICIES**

#### **National Policy**

### 3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2 - Achieving sustainable development  
Section 8 - Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 11 - Making effective use of land  
Section 12 - Achieving well-designed places

### National Planning Policy for Waste (October 2014) (NPPW)

Paragraph 3 Identifying need for waste management facilities  
Paragraph 7 Determining Planning Applications

### The Waste (England and Wales) Regulations 2011

Part 6 Duties of Planning Authorities

In addition, the Planning Practice Guidance is also a material consideration.

### **The Development Plan**

### 3.2 Neighbourhood Plan

As of May 2020 the area put forward by Bletchley and Fenny Stratford Town Council for designation as a Neighbourhood Plan area has been approved by Milton Keynes Council. The application site is within the designated neighbourhood plan area.

### 3.3 Plan:MK (March 2019)

Strategic Objective 13 Mitigation of the Borough's Impact on Climate Change

Policy SD8 - Newton Leys  
Policy CT1 - Sustainable Transport Network  
Policy CT2 - Movement and Access  
Policy CT3 - Walking and Cycling  
Policy CT5 - Public Transport  
Policy INF1 - Delivering Infrastructure  
Policy FR1 - Managing Flood Risk  
Policy FR2 - Sustainable Drainage Systems (SUDS) and Integrated Flood Risk Assessment  
Policy NE1 - Protection of Sites  
Policy NE2 - Protected Species and Priority Species and Habitats  
Policy NE3 - Biodiversity and Geological Enhancement  
Policy NE4 - Green Infrastructure  
Policy NE5 - Conserving and Enhancing Landscape Character  
Policy NE6 - Environmental Pollution  
Policy D1 - Designing a High-Quality Place  
Policy D2 - Creating a Positive Character  
Policy D5 - Amenity and Street Scene

## Policy SC1 - Sustainable Construction

### 3.4 Milton Keynes Waste Development Plan Document 2007-2026 (February 2008) (WDPD)

#### WA2 – Safeguarding Existing Allocated Waste Sites

A17-18 - Recognises the 2002 permission and 20-year limit and notes that the operator has predicted that the site would need to be extended beyond the life of the WDPD.

#### WDC1 – Development Control Criteria

#### WDC2 – Environmental Objectives

#### WDC3 – Transport

#### WDC4 – Restoration

### 3.5 Supplementary Planning Documents/Guidance

Milton Keynes Drainage Strategy - Development and Flood Risk SPG (May 2004)

### 3.6 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.7 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

## 4.0 **RELEVANT PLANNING HISTORY**

### 4.1 Application Site

The following is the planning history for the site within the Milton Keynes authority boundary.

#### **20/00849/FUL**

Construction and operation of a surface water attenuation lagoon  
Pending Consideration.

#### **20/01161/CONS**

Section 73 application for the variation of conditions 2 & 4 (Revised restoration scheme), 3 (operational life), 6 (final restoration of the site) and 13 (operational hours) attached to planning application 95/1362/AWD to extend the operational

life of the site by 15 years with revised final restoration of the whole site to be completed within a further 24 months and amendment of Saturday operational hours to 0700 to 1300 only (Buckinghamshire Council CM/0018/20)  
Holding Objection on the basis of impact on amenity to the local community  
21.05.2020

**19/01119/EIASCR**

Environmental screening request in accordance with regulation 6 of the Town and Country Planning (Environmental impact assessment) (England) regulations 2017 (as amended)  
EIA Not Required 29.05.2019

**14/01873/FUL**

Variation Of Condition 12 Of Planning Permission Mk/806/95 To Incorporate The Layout Of Waste Processing Facility (WPF) And Ancillary Development Approved Under Separate Planning Permission 12/00703/Min; To Include The Current Layout Of 4 X Temporary Portacabins; To Mark The Location Of Soil Bund Providing Temporary Storage Of Soils And Landscaping And/Or Site Restoration; To Indicate Areas Of The Site Used For Mobile Plant And Equipment Laydown And Storage, And Location Of Other Ancillary Structures Such As Plant Storage Containers, A Fuel Store And Bird Of Prey Unit; To Indicate The Location Of Odour Suppressing Compound; To Show The Location Of Perimeter Security Fencing, Bletchley Landfill Site, Newton Road  
Permitted 04.02.2015

**11/00470/MIN**

Application made under Section 73 to vary condition 11 of application MK/806/95 in respect of the permitted hours of operation on site  
Permitted 10.05.2011

**09/00096/MIN**

INSTALLATION OF LEACHATE FACILITY, CONSTRUCTION OF A VISUAL SCREENING BUND AND CONTINUED USE OF AN EXISTING SITE ACCESS ROAD  
Permitted 26.06.2009

**07/00052/MIN**

Variation of End Date for The Decision Importation Of Waste Materials Specified In Condition Number 2 Attached To Planning Permission MK/806/95  
Refused 03.10.2007

Refused for the following reason: 'That planning permission for the extension of the operational period of the landfill site is refused as there is, at this time, insufficient evidence to conclude that there will not be enough waste generated within Milton Keynes and its immediate surroundings to enable the site to be completed by the date approved. Granting planning permission to extend the life of the site now would, therefore, delay unnecessarily the site restoration.'

**06/01246/MIN**

VARIATION OF PLANNING PERMISSION FOR THE RECONTOURING OF THE BLETCHLEY LANDFILL SITE TO VARY HOURS (ref MK/806/95)  
Permitted 22.12.2006

**05/01536/MIN**

CHANGE OF CONDITION 11 ON PREVIOUS PLANNING APPLICATION MK/806/95 TO ALLOW BANK HOLIDAY OPENING FOR MUNICIPAL WASTE FOR A TEMPORARY PERIOD.  
Permitted 22.12.2005

**02/01472/MIN**

WASTE RECYCLING AND TREATMENT FACILITY INCLUDING MATERIALS RECOVERY, COMPOSTING, BIOLOGICAL TREATMENT, CONTINUED LANDFILL, NEW ROAD AND RAIL ACCESS WITH CONTAINER LOADING AND STORAGE  
Withdrawn 18.02.2005

**02/00866/MIN**

WASTE MANAGEMENT FACILITY INCLUDING MATERIALS RECOVERY, COMPOSTING, BIOLOGICAL WASTE TREATMENT, ENERGY RECOVERY, CONTINUED LANDFILL AND ASSOCIATED CLAY EXTRACTION, ACCESS ROAD, VISITOR CENTRE, CAR PARKING, RAIL ACCESS, RAIL SIDINGS, RAIL RECEPTION AREA, RAIL CONTAINER LOADING AND UNLOADING PLANT AND RAIL CONTAINER STORAGE AREA  
Refused 29.10.2002

**00/00505/MIN**

MATERIALS RECYCLING FACILITY, INCLUDING COMPOSTING  
Approved 19.07.2001

**MK/806/95**

Recontouring of existing landfill site with new reception area.  
Approved 06.02.2002

4.2 Adjacent sites

**02/01337/OUT**

Proposed Mixed Use Development (Outline Application), Comprising Housing (Up To 1650 Dwellings), Employment Areas, Shops, A Combined School, Community Facilities, New Park, Playing Fields, Hotel Or Leisure Facility And Associated Infrastructure For Foul And Surface Water Drainage And Other Services Including Access Roads And Parking (Along With Related Proposals In Aylesbury Vale District) And Accompanied By An Environmental Statement  
Approved 28.06.2005

**17/01059/REM**

Approval of reserved matters pursuant to outline planning permission reference: 13/00888/OUTEIS for 183 dwellings and associated development (Phase 6)  
Approved 03.08.2017

### **17/02143/REM**

Reserved matters application for 248 residential dwellings pursuant to outline planning permission 13/00888/OUTEIS (Phase 5) including all necessary infrastructure

Approved 03.11.2017

### **19/01331/REM**

Reserved Matters application for 80 residential dwellings pursuant to outline planning permission 13/00888/OUTEIS including all necessary infrastructure

Approved 06.09.2019

## **5.0 CONSULTATIONS AND REPRESENTATIONS**

### **5.1 Bletchley and Fenny Stratford Town Council**

Comments provided by Bletchley and Fenny Stratford Town Council highlight their strong objection to the application covering the following main areas:

- i. Environmental i.e. air quality and odour, pollution and flies.
- ii. Traffic movements, highways and road safety
- iii. Impact on biodiversity and sustainability

The Town Council is strongly opposed to the application which would potentially extend the operational life of the site by a significant length of time and delay restoration of the landscape.

It is also highlighted that this would not be a compliant or a sustainable development because due to these adverse impacts and these would far outweigh any benefits to the borough of Milton Keynes. The conclusion below therefore summarises the Town Council's view on the issue of a change in circumstances of the existing Bletchley landfill site:

'Although the landfill predates the housing development at Newton Leys the application for continuation should be considered in the current context of the increased housing built and being built not only at Newton Leys but also on the Lakes and at Eaton Leys. All these residents could be affected for years to come by potential poor air quality and odour.'

The Town Council also requested consideration of the application at Development Control Committee and requested to make representations at this meeting due to the issues highlighted within the submitted comments.

### **5.2 West Bletchley Town Council (consulted as adjacent parish)**

"The applicant must demonstrate what measures are to be put in place to address the adverse environmental impacts of the proposals."

### **5.3 Cllr Emily Darlington – Bletchley East**



Does not support the application for the following reasons:

1. The timing of the application means that the council has not had the resources to consider the application properly
2. The timing of the application means the residents have not had the time to consider this application properly
3. The application is not in line the MK Council stated policy
4. The environmental impact of landfill is detrimental to biodiversity
5. The environmental impact of the extension of the land fill on increased numbers of residents is detrimental to health

Notes that the number of residents affected by the landfill has grown as Newton Leys has been developed, and expresses concern on the health impact of the residents, in particular young children. Requests the application be heard at DCC.

#### 5.4 Cllr Martin Gowans – Bletchley East

A significant concern is highlighted within Cllr. Gowans' submission over the longer-term plan for the operation as less and less waste is arriving at landfill over time and this could result in further extensions of time being required.

In addition, the issue of impact on the living conditions locally as demonstrated by the significant number of public representations which have been received. This is in conjunction with relevant Plan: MK Policies relating to amenity of residents.

Cllr. Gowans states that the capacity of the Bletchley LFS vastly exceeds any requirement and that Milton Keynes is not entirely self-sufficient in terms of waste disposal. Comments from Cllr. Gowans refers to the lack of local community engagement in recent years.

Furthermore the issue of restoration is raised as a concern insofar as the current operators will be responsible for these works and were fully aware of these requirements when FCC took over the operation of the LFS.

#### 5.5 Cllr Mohammed Khan – Bletchley East

No comments received.

#### 5.6 Cllr Elaine Wales – Bletchley Park (consulted as adjacent ward)

Cllr Wales highlights the impact of the extended operational time of the landfill in terms of odours and caused by chemical reactions on site through the breakdown of waste materials. Cllr Wales also raises that due to the COVID-19 situation the current application should not be determined at this stage due to the difficulties of accessing information and meetings not taking place.

Cllr. Wales reports the impact of traffic movements to and from the landfill site and the wider impacts of these on the Newton Leys area.

5.7 Cllr Allan Rankine – Bletchley Park (consulted as adjacent ward)

No comments received.

5.8 Cllr Nabeel Nazir – Bletchley Park (consulted as adjacent ward)

No comments received.

5.9 Cllr Nigel Long – Bletchley West

Objects to the application citing concern regarding traffic in West Bletchley and in other areas of Bletchley, the environmental impact on Newton Leys, landfill gas odours impacting neighbouring amenity and the timing of the application submission.

5.10 MKC Highways

Comments from the Senior Highway Engineer conclude that the submitted Transport Statement is acceptable in terms of impact on the safety and operation of the surrounding highway network.

Furthermore, there are currently no issues with the site operation in terms of highway safety and traffic there are no objections to the granting of permission for additional time in order to continue operation of the landfill.

The comments provided by the Council's Highway Engineer observed that the extension to the operation of the site would not have any appreciable impact on the safety and operation of the surrounding highway network.

5.11 MKC Flood and Water Management Officer (Lead Local Flood Authority)

Initial comments received from the Lead Local Flood Authority objected to the application as there was insufficient detail on surface water management within the submitted drainage documents. In addition, there were also concerns surrounding the drainage scheme as it relied on features (a lagoon) outside of the redline boundary. The concern regarding the second part was due primarily due to potential refusal of one application and not the other which would mean the application wouldn't have a viable drainage scheme.

Further information was duly provided relating to the surface water scheme and the previous objection was subsequently withdrawn subject to the attachment of relevant conditions should the application be approved.

5.12 MKC Landscape Services (Tree Officer)

No representations were received at the time of writing this report.

5.13 MKC Landscape Architect

The Council's Landscape Architect raised no objections to the application subject to all existing conditions remaining in force.

5.14 MKC Countryside Officer

No written representations were received at the time of writing this report however a verbal conversation took place which highlighted that no objections were to be made as the proposed long-term plan would be a significant improvement to the current status of the site in terms of biodiversity.

5.15 MKC Countryside Officer (GCN)

No comments to make

5.16 MKC Environmental Health

No objections are raised in response to the application. Recent information provided highlights the number of official complaints which have been received (7 since 2017) relating to flies and odour.

5.17 MKC Head of Waste and Environment

Detailed comments were provided in response to the application providing the following observations;

Milton Keynes Council as a Unitary Authority undertakes the core statutory functions of both the Waste Collection Authority (WCA) and the Waste Disposal Authority (WDA) for waste management. As an Authority Milton Keynes sends a very low amount directly to landfill. The Milton Keynes Waste Recovery Park is the primary point of disposal and has been designed to provide waste treatment for the next 50 years. The LFS at Newton Leys is a contingency site should the MKWRP be unable to accept waste for whatever reason and if the MKWRP is unavailable.

When applying the waste hierarchy, the priority is to minimise landfill and use alternative treatment technologies wherever possible. However, in some instances local landfill plays a recognised short-term contingency to excess waste or backup.

On some occasions waste streams handled by waste disposal authority cannot be treated or recycled locally as they require specialist deconstruction or treatment due to their respective construction or hazardous components. There is therefore a requirement for the Local Authority to construct within the borough a waste transfer station. It is expected that this transfer station will be built adjacent to an existing waste infrastructure facility managed by the Authority or as a direct replacement or complementary to an existing facility.

Although landfill capacity is required for contingency in the short term once the transfer station is available then it will open up alternative treatment options for the Authority should MKWRP be unavailable therefore reducing the need for the Bletchley LFS and would enable Milton Keynes to pursue a route of zero

waste to landfill. The transfer station would also handle multiple recycling streams for onward haulage and processing. It is therefore concluded that, in the medium-term Milton Keynes Council does not foresee the use or requirement to utilise the landfill site in Bletchley.

As part of the commissioning and re-procurement of the MKWRP in 2033 the Waste Disposal Authority would aim to find a new operator which potentially delivers a much wider integrated management of waste infrastructure assets owned by the Local Authority including (but not limited to); the Materials Recycling Facility, Waste Transfer Station and associated Household Waste Recycling Centre sites. In conclusion:

‘This proposed infrastructure assembly plan and historical performance to provide a near zero landfill solution further demonstrates that in the long-term Milton Keynes Council does not foresee the use or requirement to utilise the landfill site in Bletchley.’

#### 5.18 MKC Development Plans

Comments provided by Development Plans set out the Policy basis and overall position of the application when considered in conjunction with the Development Plan. There is also commentary on both the local and regional need for the landfill to remain open for the next 15 years. The following is provided:

‘Regard must be given as to whether there is currently and will be continued need (both within Milton Keynes Borough and amongst South East Waste Planning Advisory Group (SEWPAG) members) for the landfill site to remain operational for 15 additional years. This site is a strategic non-hazardous landfill for the South East of England.’

It is stated that:

‘NPPW Para 7 requires authorities to ensure that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary. The amount of waste disposed of to landfill sites in England has fallen significantly due to the drive to divert the management of waste further up the waste hierarchy, away from landfill and to recycle more.’

Further commentary provided sets out the position at a regional level stating that the Bletchley LFS serves the South East region and that the issues around the decision-making process must focus on the need of the operation.

#### 5.19 MKC – Rights of Way

Comments from the Council’s Rights of Way Officer highlight that there was an existing issue with a public footpath diversion. The route is currently obstructed due to the waste operation and was historically diverted on a temporary basis but due to a change in operator was never formally resolved/updated.

#### 5.20 Buckinghamshire Council

Notes that the increase in recycling has meant non-hazardous landfill has become more of a cross boundary issue, noting the South East Waste Planning Advisory Group (SEWPAG) expects non-hazardous landfill capacity to be depleted by 2039. "It is anticipated that the Bletchley Landfill Site contributes to approximately a quarter of the non-hazardous landfill capacity within the South East of England. The loss of the remaining 10 million m<sup>3</sup> at this site would have a significant impact on the capacity within the South East. Planning policy seeks the restoration of landfill sites at the earliest opportunity to high environmental standards. Whilst an extension of time for 15 year is a long time, with the reduction of non-hazardous waste going to landfill sites are taking longer to ensure correct levels for restoration.

The extension of time, and the amenity impacts on the surrounding communities, needs to be weighed against the significance of the amount of landfill capacity that this site provides."

#### 5.21 Buckinghamshire Council (Strategic Access Officer)

Recommended condition set out by Milton Keynes Rights of Way Officer and a framework for the proposed access routes shown on the restoration plan will also need setting out within a new Schedule of the revised s.106 Agreement

#### 5.22 Environment Agency

Suggests the Operator contact the EA permitting team to ensure any changes required to their Environmental Permit are made.

#### 5.23 Network Rail

Request the applicant to contact the Network Rail asset management team directly.

#### 5.24 Ramblers Association

Raised issue with the description of the rights of way, and the existing fencing preventing access. Suggests a condition for a temporary footpath.

#### 5.25 Neighbour/Third Party Representations

Comments have been received from approximately 220 addresses/neighbours, including a submission on behalf of the Newton Leys Residents Association. The material planning considerations are summarised below:

- Significant harm to the amenity of occupiers within the vicinity.

- Harm to residents through noise from vehicles and mechanical processes.
- Traffic issues from lorries visiting the LFS constantly and causing a risk to highway safety from inconsiderate/dangerous driving and mud/refuse left on the roads.
- Unpleasant odours caused by the existing landfill.
- Harm to existing wildlife and biodiversity in the local area.
- Infestations of insects particularly in warm weather.
- Landfill should be used less in the future so this site should not be required.
- The delay in restoration works will have a negative impact on the local area and amenity of Newton Leys.
- The noise, flies and odours are so significant that complaints have been made to the Council/ Environment Agency.
- Waste from other locations within the region should not be imported.
- The change in circumstances is a significant concern for homeowners in the long term.
- Safety and amenity issues from waste lorry drivers using Jersey Road as an unauthorised overnight rest station with no facilities.

## 6.0 MAIN ISSUES

Principle of development  
 Highway matters and parking  
 Residential amenity  
 Landscape  
 Ecology  
 Drainage and flood risk  
 S106 matters  
 Other matters

## 7.0 CONSIDERATIONS

- 7.1 In the spirit of helpfulness and for clarity the following glossary provides definitions of key terminology and acronyms associated with waste operations:

**Commercial and industrial (C&I) waste** - Waste from premises used mainly for trade, business, sport, recreation or entertainment.

**Construction, demolition and excavation (CD&E) waste** - Waste arising from any development such as vegetation and soils (both contaminated and uncontaminated) from the clearance of land, remainder material and off-cuts, masonry and rubble wastes arising from the demolition, construction or reconstruction of buildings or other civic engineering structures. CD&E may also include hazardous waste materials such as lead, asbestos, liquid paints, oils, etc.

**Energy from waste (EfW)** - The process of generating energy in the form of electricity and/or heat from the primary treatment of waste.

**Hazardous waste** - Waste that contains hazardous properties that if improperly handled treated or disposed of, by virtue of its composition carries the risk of death, injury, or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact.

**Household Recycling Centre (HRC)** - Also known as civic amenity site, resource recovery centres and bring sites. Civic amenity sites are provided by Waste Disposal Authorities as places where the public can deliver a range of household waste for recycling or disposal, including metals, paper, glass, engine oil, garden waste, oversized items (e.g. furniture and appliances) and building rubble.

**Inert waste** - Waste which will not biodegrade or decompose (or will only do so at a very slow rate), examples include glass, concrete, bricks, tiles & ceramics and soil & stone (excluding topsoil & peat).

**Landfill** - The deposition of waste into hollow or void space in the land, usually below the level of the surrounding land or original ground level in such a way that pollution or harm to the environment is prevented. Landfill sites have to be sited where an existing void is available; former mineral workings have historically been used for this purpose.

**Mt** –Million tonnes

**Mtpa** –Million tonnes per annum

**Municipal waste** - Waste that is collected and disposed of by, or on behalf of, a local authority, also known as Local Authority Collected Waste (LACW). It will generally consist of household waste and other wastes collected by a Waste Collection or Disposal Authority, or their agents. It primarily consists of household waste but also includes waste collected from household waste recycling centres, commercial or industrial premises (i.e. small amounts of trade waste), and waste resulting from the clearance of fly-tipped materials and litter. In addition, it may include road and pavement sweepings, gully emptying wastes, and some construction and demolition waste arising from local authority activities.

**Non-Hazardous Waste** - Non-hazardous waste is any waste that does not cause harm to people or the environment, and regulations for disposal of non-hazardous waste are less strict. In its simplest form, non-hazardous waste is any waste that cannot be classified as hazardous.

**Recovery** - The collection, reclamation and separation of materials from the waste stream. That is, any waste management operation that diverts a waste material from the waste stream and which results in a certain product with a potential economic or ecological benefit. Recovery mainly refers to the following operations: material recovery (i.e. recycling), energy recovery (i.e. re-use as a fuel), biological recovery (e.g. composting) and re-use.

**SNRHW** – Stable, non-reactive hazardous waste typically material which is non-hazardous chemically but contains hazardous levels of asbestos.

**Treatment** - Defined according to a 'three point test' (1) a physical/thermal chemical or biological process including sorting that: (2) changes the characteristics of waste and (3) does so in order to reduce its volume, or reduce its hazardous nature, or facilitate its handling or enhance its recovery.

**Waste** - Waste is defined in circular 11/94 and in the Waste Management Licensing Regulations 1994 as any substance or object that the holder discards, or intends to discard or is required to discard and may include production residues and some by-products.

**Waste Hierarchy** - The European waste hierarchy refers to the 5 steps included in the article 4 of the Waste Framework Directive:

- **Prevention** preventing and reducing waste generation.
- **Reuse and preparation for reuse** giving the products a second life before they become waste.
- **Recycle** any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes compost and it does not include incineration.
- **Recovery** some waste incineration based on a political non-scientific formula that upgrades the less inefficient incinerators.
- **Disposal** processes to dispose of waste be it landfilling, incineration, pyrolysis, gasification and other finalist solutions.

#### Principle of development

##### *Site Allocation and Context*

- 7.2 Bletchley Landfill is an existing and fully established strategic waste management facility (e.g. it serves Hertfordshire, Central Bedfordshire, London, and other Local Authorities in the South East) safeguarded for this use in accordance with Policy WA2 of the adopted Milton Keynes Waste Development Plan Document (WDPD). Paragraph A18 of the WDPD acknowledges that the life of the landfill is likely to need to be extended beyond the WDPD plan period of 2026, due to projected fill rates
- 7.3 The site is also identified in the WDPD Fig W1 'Current Waste Sites in Milton Keynes' as the only non-hazardous landfill site within Milton Keynes.
- 7.4 Milton Keynes is part of the South East Waste Planning Advisory Group (SEWPAG) and the Bletchley LFS provides facilities for waste disposal/treatment for authorities within the South East.
- 7.5 The site is already in operation and has been for many years. Over that time the facility has evolved but more significantly the settlement of Newton Leys has come to fruition after being granted consent in 2004 following the



submission of the original application in 2002. Newton Leys is in the latter stages of completion and the most significant developments in recent years include the Primary School, local centre, the sports pavilion, and public house, all of which are in relatively close proximity (all within approximately 600 metres) to the landfill site.

- 7.6 When the landfill operation was originally granted consent, the local area was formed from the redundant clay pit and although the majority of the closest dwellings in Bletchley were already constructed the land directly around the proposed landfill was vacant. When the outline application for Newton Leys development came forward and was approved the following condition was attached to permission 02/01337/OUT to secure amenity for future occupiers:

*'No houses shall be built within 50m of the landfill site (the land licensed for waste management).'*

*Reason: To safeguard and protect the development and occupants from any potential hazardous situation arising from ingress of landfill gas.'*

- 7.7 This safeguarding was applied with the knowledge of the 2002 permission which was determined a few months earlier, with the permitted end date of the landfill operation, which would ensure that after 2022 the site would be fully restored, and an outdoor leisure/recreation area created. This formed the justification for the two avenues of development/operation to co-exist. The report stated:

*'The relationship between the landfill site and the proposed residential development has always been an issue during the determination of the application. No objection has been raised from either the Environment Agency or the Environmental Health Section on the proposal. As a result, it is considered that whilst there could be more appropriate neighbouring uses, the use of conditions to phase the development and the introduction of bunds and appropriate landscaping should minimise the intrusion to an acceptable level.'*

- 7.8 When considering the principle of the proposal it is assumed that the three conditions which are being sought to be varied are intrinsically linked. Therefore, they are considering as one issue as the restoration works are inherently connected to the site operations ceasing.

#### *Waste Management at a Regional Level*

- 7.9 The "need" for the landfill must be considered at both a local and regional level as the current LFS is utilised by Authorities from all over the South East region, including London. This is due to the pattern of provision in the south and east of England which is a result of the policy and legislative framework (including the inability of London to accommodate its own waste arisings, relying on areas within the south east) and other considerations such as geology informing where similar facilities can be appropriately located.

7.10 Para 3 of the NPPW states that “Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing Local Plans, waste planning authorities (WPAs) should:

- undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management, recognising that proposals for waste management facilities such as incinerators can be controversial;
- drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;
- in particular, identify the tonnages and percentages of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan (In London, waste planning authorities should have regard to their apportionments set out in the London Plan when preparing their plans);
- consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally.

7.11 It should also be noted that the Planning Practice Guidance states the following in relation to permitting time extension for landfill applications:

*‘Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste.*

*The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances, provided this is in accordance with the Local Plan and having taken into account all material considerations.’*

7.12 The Bletchley LFS is the only operational non-hazardous site in Milton Keynes with a SNRHW cell. In this regard, due to the way that landfills are utilised by much wider areas than purely their own WPA area, as a result of commercial agreements, planning policy, planning permissions and environmental permitting, those within the SEWPAG are/may choose to deposit their waste here. SEWPAG published their position on non-hazardous landfill sites highlighting:

- The need to work collaboratively and strategically due to limited number of non-hazardous landfills;
- As population growth continues the rates of recovery/reuse/recycle are rising with some authorities having very ambitious ones but in short to medium term there will still be need for non-hazardous landfill;

- There is still lack of adequate treatment facilities in the region;
- Landfill is to be used as last resort so we need to ensure that the material that goes in could not be processed elsewhere/otherwise.
- Issue with lack of land for new landfills including ground water issues;
- Proximity principle.

7.13 The number of non-hazardous landfill sites is reducing due to many becoming full and subsequently restored. Similarly, some WPAs struggle to find capacity within their boundary to create a site large enough to create any LFS (for instance due to geology or other constraints like green belt) in addition to local opposition. From Milton Keynes the closest two non-hazardous sites are at Calvert and Finmere, (both between 15 and 20 miles west of Newton Leys). However, within the South East Region SEWPAG has identified there is a need for non-hazardous landfill sites to remain in operation. The SEWPAG Landfill Joint Position Statement sets out that ‘...if no additional capacity comes forward, there is a ‘finite’ capacity for disposal of non-hazardous waste to landfill in the South East that is steadily being exhausted.’

7.14 Therefore, despite the management of waste at higher levels of the waste hierarchy (in accordance with NPPW) there will continue to be a need for some landfill capacity in some localised areas to deal with waste in the South East. This matter will therefore need to be addressed through Local Plans. IN Buckinghamshire Council’s consultation response notes that the SEWPAG Joint Position Statement from 2018 indicates that by 2039 remaining regional capacity will be close to zero. Over the next fifteen years a number of non-hazardous landfill facilities are planned to close or are likely to close due a lack of remaining void capacity. Within Milton Keynes there is an existing provision for trade waste disposal at Newport Pagnell therefore meeting more of its own needs for management of different types of waste.

7.15 The site at Bletchley also has facilities which deal with Inert Construction and Development waste. This waste is likely to be required to be landfilled as most of it cannot be incinerated, but it can go to landfill with availability of speciality cells. This also applies to some hazardous waste which can be contained within these special waste cells. The operator provided the following statement regarding their operation:

*‘Typically, around 60-70% of waste into the site are non-hazardous soils and similar wastes from construction demolition projects as well as trommel fines from waste processing plants etc. None of these types of waste material would go to EFW as they are non-combustible and do not have alternative treatment options. These waste streams are derived locally and from London.’*

7.16 Bletchley LFS currently contributes to approximately a quarter of the non-hazardous landfill capacity in the South East region and is one of the largest landfill sites in the country. This highlights the regional need for landfill generally, but the Bletchley LFS in particular, due to the lack of replacement sites coming forward.

- 7.17 The principles of self-sufficiency and proximity (commonly referred to as the 'proximity principle') are set out in Article 16 of the Waste Framework Directive. Local planning authorities are required, under regulation 18 of the 2011 Regulations which transposed the Directive, to have regard to these requirements when exercising their planning functions relating to waste management. This principle works to minimise the environmental impact and cost of waste transport. There is currently an awareness and approach to waste treatment and disposal by way of regional self-sufficiency model which means that the South East region shares resources, hence why such a large amount of waste is brought to Bletchley LFS from London.
- 7.18 Paragraph 3 of the National Planning Policy for Waste states that WPAs should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. This guides WPAs to a more self-sufficient approach rather than relying heavily (as some are required to do) on provisions outside of their boundary.

#### *Waste Management at a Local Level*

- 7.19 Whilst the amount of waste disposed of to landfill sites in England has fallen significantly due to the drive to divert the management of waste further up the waste hierarchy, away from landfill and to recycle more, Milton Keynes Council as a Waste Planning Authority needs to plan for not only municipal (i.e. household) waste but others too, such as Industrial and commercial, inert, hazardous.
- 7.20 Comments from the Council's Environment and Waste Team highlights that at a local level the requirement for the Bletchley LFS to deal with municipal waste is extremely low. Furthermore, as the existing Waste Recovery Plant (WRP) evolves and is developed over time the demand for the LFS for disposal of local municipal waste will further reduce over the medium and longer term.
- 7.21 With improvements in technologies and facilities at the WRP more waste will be dealt with 'in-house' and there will be fewer and fewer instances where landfill is required to manage municipal waste arising from Milton Keynes.
- 7.22 As a result, at a local level the reliance on the existing Bletchley LFS for disposal of municipal waste will be reduced even further over the coming years. Consequently, the need for this operation to be continued for a further fifteen years to deal specifically with municipal waste from within Milton Keynes is not accepted (while recognising the regional need and alternative waste streams as above).

#### *Summary of Principle Issue*

- 7.23 As demonstrated above the issue of need to treat municipal waste is therefore very limited at a local level. However, there is a need for the treatment of other types of waste arising locally and waste arising regionally, including London. However, this needs to be considered alongside other material planning considerations which will be discussed later in this report.

- 7.24 Running alongside this planning policy position there has been a corporate steer within the Council to promote carbon neutrality by 2030 and this is to be achieved in a number of ways including changes in certain Council activities and improving technologies.
- 7.25 Milton Keynes has a strong ethos of dealing with waste in an efficient and environmentally considered way. In a Press Release (MK Council planning for zero carbon future
- 7.26 Wednesday 25 September 2019) it is highlighted that the Council's Waste Recovery Park in Wolverton processes non-recyclable rubbish into renewable energy instead of sending it to landfill. Around 132,000 tonnes of rubbish is processed each year, equivalent to lighting 11,000 homes.
- 7.27 As previously highlighted, in the medium to longer term the Bletchley LFS will not be required for Milton Keynes Council as other mechanisms and improved facilities are in place to avoid the need for such services. It is other Authorities in the South East who require the use of the site at Newton Leys and the question, therefore, is focused around the impact on communities within Milton Keynes. These could be impacted upon in a negative way due to other Authorities not providing their own waste management opportunities.
- 7.28 Ultimately, the importance of the site in terms of any waste disposal in principle must be considered in conjunction with material impacts of the proposal, specifically the amenity impacts on the surrounding communities. This issue is discussed in greater detail in later sections of this report.

#### Highway matters and parking

- 7.29 Approximately 250 representations have been received to this application, a number of which have cited concern regarding traffic movements and highway safety. The strength of feeling as conveyed in the submitted public representations does not accord with the Council's Highways Engineers comments relating to highway safety, traffic movements and impact from vehicles generally. This highlights disparity between the technical aspects of the operation which, in accordance with the formal consultation response, is concluded to be acceptable and the perception of residents who appear to feel very differently.
- 7.30 This perception is possibly due to the cumulative impact of living in close proximity to this landfill over a significant period of time. In that, should an occupier live close-by for a short period of time they may tolerate certain conditions. However, over an extended period of time tolerance of certain issues may be reduced.
- 7.31 No conditions have been recommended, should the application be approved, as the request is to continue operating the site in the same way as is currently and no objections are raised from a highways perspective on this basis. The request to extend the lifespan of the application does not intend to change the

way in which the site is being operated and will not intensify the activity. The conditions attached to the 1995 application relating to traffic and vehicle movements were focused on the access road and ensuring that the nearby highway was not compromised by mud or debris from visiting vehicles.

- 7.32 As a result, the application would be compliant with relevant Plan: MK policies notably Policy CT2 Movement and Access.

#### Design and Layout

- 7.33 The issue of design and layout is not considered in the usual way as this application is to continue an existing use rather than introduce a new activity/built form. Furthermore, there are no changes requested to the landfill operation itself. The changes relate only to the restoration of the site following the operation being ceased. These changes are not considered to be significant or detrimental in the context of design or layout and would ultimately result in the creation of a significant area of open space with net gain in biodiversity. The issue however relates to these restoration works being delayed for a further fifteen years and this subject is discussed in more detail in later sections of this report.

#### Residential amenity

- 7.34 Bletchley LFS contributes to approximately a quarter of the non-hazardous landfill capacity within the South East of England and is one of the largest sites in England. Therefore, amenity impacts on the surrounding communities needs to be weighed against the significant strategic role of the LFS. In the case of this application residential amenity refers particularly to the issue of any occupiers within the local area encountering any negative impacts in terms of visual amenity.
- 7.35 The key consideration in the case of the continuation to operate the existing landfill site relates to any loss of amenity and the impact of any of the categories above. It is acknowledged that the site is already in full operation and the application being considered wishes to extend this period of activity for a further fifteen years. Whilst the permission was originally granted subject to conditions and was concluded to be acceptable at that time, as highlighted in the principles section of this report, there has been a fundamental change in circumstances which are significant in this instance.
- 7.36 The settlement of Newton Leys was granted consent for 1650 homes in addition to associated community facilities including a primary school and local centre. When this permission was issued consideration of the landfill was duly included however this was based on the scheduled date for closure which would have offered any future residents moving into Newton Leys a level of comfort that the operation was not to remain open indefinitely.
- 7.37 The number of public representations received highlights the issue of amenity as being a significant issue with existing problems relating to odours, infestations and poor air quality being of particular concern. Whilst there have

not been high volumes of formal complaints to the Council, this does not necessarily mean that the concerns are not founded. The operator has provided a response to the public representations and confirmed that the site is operated in-line with relevant permits etc. However, the issue remains that when the landfill was granted consent to be operated the settlement of Newton Leys was not yet in situ. Whilst the residential development was granted with knowledge of the landfill, it was based on a fixed-term operation and this request for secure a further 15 years is a significant move away from this previously agreed position.

- 7.38 For completeness a request has been submitted to the Environment Agency requesting details of any complaints logged. This data will be presented to Members within the Update Paper prior to DCC.
- 7.39 As a result of the issues above it remains that the additional time being sought will have a fundamental change in the relative enjoyment and amenity value of local occupiers as is experienced currently. Whilst the operator may run the site in compliance with the necessary permits and regulations there is no evading that the very nature of waste management and landfill will generate some unpleasant side effects. Therefore, even with compliance with necessary protocols there is a significant concern that the occupiers within the local area, particularly the new residents within Newton Leys should not be exposed to this operation for a further fifteen years and potentially a further seventeen years before the site is fully restored.
- 7.40 Policy NE6 of Plan: MK explains that considering development proposals, the Council will adopt an approach to ensure that pollution will not have an unacceptable impact on human health, groundwater, general amenity, biodiversity or the wider natural environment.
- 7.41 This policy therefore considers the impact upon living conditions and local amenity as a result of any proposed developments (in this case continuation of an existing operation). The submitted documentation includes reports relating to noise, dust and odour in conjunction with the site's Environmental Permit. The supporting information states that in-line with good operational practices there are no adverse impacts caused by the current landfill activity. It is important to reiterate that although the site appears to be run in accordance with necessary requirements it is the issue of seeking a further fifteen years which is fundamental.
- 7.42 In addition, the requested continued operation of the landfill will delay the site restoration and creation of an area of outdoor amenity space by a further seventeen years. This ultimately results in a loss of opportunity for residents in the local area to benefit from this scheduled restoration works which would have resulted in significant environmental benefits. This delay is considered to be a negative consequence upon the potential amenity opportunities for those living in and around Newton Leys which is considered contrary to Policy D1, NE3 and NE4 of Plan: MK.

- 7.43 Policy D5 of Plan: MK makes specific reference to amenity and clarifies this; 'All proposals will be required to create and protect a good standard of buildings and surrounding areas.' Whilst it is acknowledged that no development is being constructed the issues and considerations remain and the relationship between this operation and the settlement of Newton Leys now appears to be in conflict and there are concerns regarding this commercial venture remaining on site for a period of a further fifteen years.
- 7.44 The lack of formal complaints to the Council does not eradicate the strength of feeling regarding this application which has been demonstrated through the submitted public representations. It is a welfare and well-being issue regarding the conditions which are being experienced and, in conjunction with the NPPF promoting healthy communities, this current relationship between the landfill and the residents within Newton Leys and beyond is at odds with the ethos of creating places to live which are attractive, safe and offer opportunities for outdoor leisure and recreation.
- 7.45 One of the NPPF's 12 key planning principles for creating sustainable developments is that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs"*. Whilst the continuation of this operation will not technically result in a loss of such a facility it does prevent such an opportunity from coming to fruition in-line with the original timescales and this in itself could be construed as a loss – in that it is a loss of potential. There is also a further risk that at landfill deposits continue to decline further there could potentially be a scenario where the void is never filled.
- 7.46 Population growth and demographic change place additional demands on provision and the needs associated with growth need to be planned for. Newton Leys is still under construction and as a result the demand for outdoor recreation and leisure facilities will continue to increase over time
- 7.47 Within the Council Plan 2016-2022 a set of priorities for Bletchley 'A Brighter Future for Bletchley' are listed; priority 66 confirms:  
  
'We will...oppose the extension of Bletchley landfill site's operational lifetime.'
- 7.48 This position sets out a clear message regarding the future of the landfill operation. It is important to note however that this document is not part of the Development Plan and carries no weight in this regard.
- 7.49 Taking all matters surrounding amenity into account it is concluded that with regards to both the existing situation and potential postponements of the restoration works the concept of a further fifteen years of operation cannot be supported. The impacts of the operation being in existence since residents moved into Newton Leys should not be further extended and as a result the issues around amenity in all relevant forms are not satisfied.

### Landscape



7.50 The current landfill operation is detrimental to landscape value due to the nature of the operation itself and the way in which the land is used. The longer term agreed restoration plan is currently due to commence after 2022 in order to create a long-term outdoor leisure/recreation area which would introduce significant improvements to the appearance and quality of the local environment for the residents within Newton Leys but also from the surrounding settlements, particularly Bletchley.

7.51 The requested further fifteen years for completion of the landfill void and a further two beyond this for restoration would leave this site with, at least, a further 15 years of negative landscape character. Visually the site would not be altered significantly should the operation remain open. However, the more significant issue relates to the expectation of the land being restored and the potential change in timescales for this as discussed previously. It is stated that:

‘NPPW Para 7 requires authorities to ensure that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary. The amount of waste disposed of to landfill sites in England has fallen significantly due to the drive to divert the management of waste further up the waste hierarchy, away from landfill and to recycle more.’

7.52 The application is accompanied by detailed plans relating to the restoration works which in their own right are positive and will no doubt result in a significant increase in local amenity, biodiversity, ecology and visual interest. That is not in question. The issue however is the substantial increase in time which is being requested before this would come to fruition which is of significant concern and results in loss of opportunity for these benefits to be enjoyed.

7.53 By agreeing to a further fifteen years of operation before restoration works fully commence this is moving away from the priority of creating healthy communities as set out in the NPPF Section 8. This is echoed within Plan: MK which states:

‘Open space plays a vital role in the urban fabric of Milton Keynes and is an important resource for everyone’s pleasure, relaxation and health. It is also a key feature of the biodiversity and ecology of the Borough.’

7.54 On this basis there are fundamental concerns regarding the postponement of the complete restoration of the site to the detriment of the local landscape in both the short and longer term which relate specifically to Policy NE3 and NE5 of Plan: MK.

#### Ecology

7.55 In a similar vein, the issues around ecology are similar insofar as there are no objections in terms of the overall net gain which would be achieved in the long

term. The application demonstrates the revised restoration scheme which accompanies this submission will result in a 25% net gain in habitats in comparison to the original restoration plan. This is in compliance with relevant Plan: MK policies, particularly Policy NE3. However, the full restoration of the site, as per this application, would potentially not be until 2039 which significantly impacts the ecological benefits in the interim.

#### Drainage and flood risk

- 7.56 In response to submitted comments from the Lead Local Flood Authority the operator provided further information relating to the surface water scheme. This was considered to be acceptable and there were no outstanding issues remaining. The submission is therefore compliant with the relevant sections of Policy FR1 – FR3 of Plan: MK.
- 7.57 It is worth noting that shortly after the submission of this application a further proposal was made to the Council for consideration by the operator of the landfill. This second application is for an attenuation lagoon to be located north of the landfill site. For clarity the two applications are independent of each other and one can be permitted/refused without the other. The operator has confirmed that these are standalone submissions which do not rely on each other and the lagoon would still be sought regardless of the outcome of this application which is brought before Members. The application for the lagoon is still under consideration.

#### S106 matters

- 7.58 This application does not trigger the requirement for any additional or revised obligations and as all previous requirements have been met there is no new Legal Agreement sought.

#### Other matters

##### *Buckinghamshire Council*

- 7.59 A very small section of the site falls within the Buckinghamshire Council area. A parallel application was submitted to Buckinghamshire Council for the section within their Authority and a consultation received by Milton Keynes Council. Due to the issues raised with regards to amenity it was deemed necessary to issue a holding objection to their application. This was duly issued and to date the concurrent application being considered by Buckinghamshire Council has not yet been determined.
- 7.60 The response from Buckinghamshire Council also provides a useful standpoint of their involvement with the Bletchley LFS and the wider regional issues. They explain: 'Whilst the site is within both Waste Planning Authorities (WPA), the area in which is actively being landfilled and the remaining void space is predominately within MK. The recently adopted Buckinghamshire Minerals and Waste Local Plan 2016-2036 (MWLP), does not included the Bletchley Landfill Site within its capacity to meet future needs, therefore the Buckinghamshire

MWLP doesn't rely on this site to meet its waste needs. However, during 2018 just over 37,000 tonnes of waste was received by the site within its origins within the Buckinghamshire WPA. The majority of the waste deposited at the site was inert material. Whilst this amount is considered a strategic movement between the two authorities it only makes up approximately 4% of all the waste received by the site. With the increase in recycling rates and a reduction in wanting to landfill waste, non-hazardous landfill is starting to be more than an individual authority's issue. The South East Waste Planning Advisory Group (SEWPAG) has reviewed landfill capacity across the South East in the Joint Position Statement: Non-hazardous Landfill in the South East of England, September 2018. This reviewed landfill capacity for non-hazardous waste across the South East and concluded that if no new non-hazardous landfill capacity were permitted, capacity in the South East would be depleted by 2039.'

*Response from the Operator (FCC)*

- 7.61 The Council posed a set of queries to the operator regarding the current venture and their views surrounding the longer-term completion of the site. The response is below:

'For context it's important to make a clear distinction between the different sources of wastes as follows:

1. Municipal wastes are controlled by local authorities and managed under long term contracts;
2. Construction and Demolition wastes are typically soils, hardcore, brick, concrete etc. and are commercial in origin and managed according to their nature i.e. reused/recycled where they can be or disposed of if not possible to be recycled or reused; and
3. Commercial and Industrial wastes are commercial in origin and arise from commercial and industrial premises such as shops, factories, offices etc. Waste segregation is typically conducted at the place of origin and hence recyclable elements are sent for treatment whereas non-recyclable wastes are sent for disposal which, depending on waste type and commercial factors such as gate price, location and haulage costs, could be either EfW or landfill.

The wastes received at Bletchley are predominantly from commercial sources as identified by items 2 and 3 above and the broad compositional breakdown provided below is to give a general picture of proportions but obviously these proportions can change over time due to various economic and legislative factors. The waste delivered to the site, as outlined above, are not all contracted and the site operates as a commercial merchant facility which attracts wastes based on its strategic location.

*Alternative Proposals*

- 7.62 Although members must determine the application in front of them without regard for alternative proposals that the applicant has not have applied for, if refused and the permission expires there will be a requirement for the operator/owners to still complete the restoration works as currently approved

in-line with the secured conditions. This is likely to involve the importation of soil/other materials in order to fill the void and most likely a revision to the scheme of restoration/landscaping in order to achieve this. It would be the responsibility of the operator to propose an alternative scheme if necessary.

- 7.63 A question was put to the operator to explore other possibilities of completing the cells by importing waste from other sources. It was confirmed that whilst this possibility has been considered the options are limited as Local Authorities are seeking to divert waste away from landfill and the predominant source of waste is commercial and these contracts tend to be short-term.

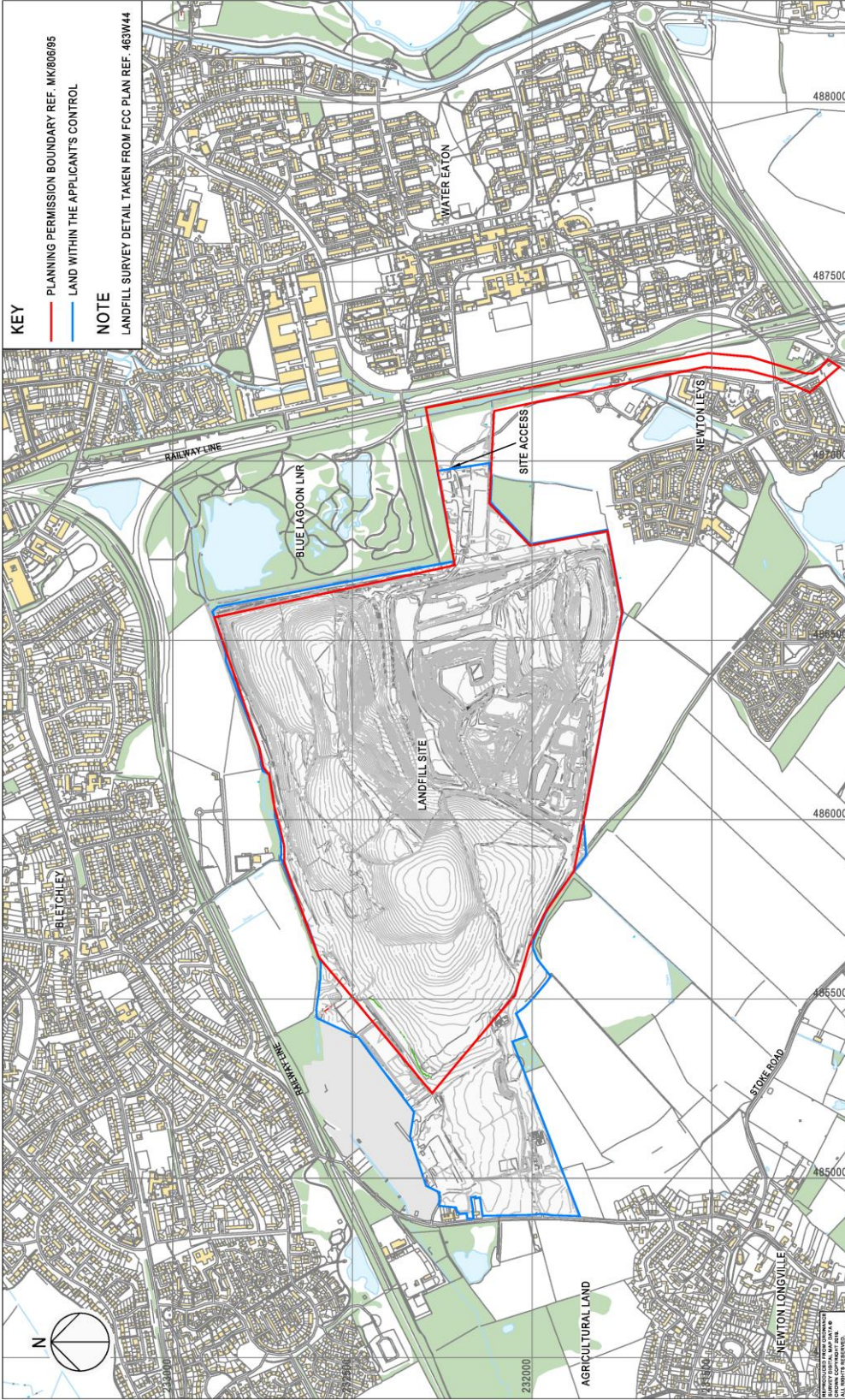
## **8.0 CONCLUSIONS**

- 8.1 As highlighted above although there is acceptance for the Bletchley LFS to be required in the short term, there is no requirement for this site to be operated in the medium to longer term at a local level as other plans will come to fruition which will remove the need for landfill waste to serve Milton Keynes.
- 8.2 A lack of new sites coming forward and existing sites closing is a regional issue however the Bletchley operation has been in operation for a long period of time and the welfare and amenity of the local community is a priority particular those who have lived within the local area for some time. SEWPAG has identified a need for landfill provision across the SE and this site does take waste from other authorities across the region.
- 8.3 Alongside this is the consideration of the impact on amenity of residents within the local area and the significant change in timescales which are being requested. A further 15 years is a substantial period with which to experience this operation and although reports from Environmental Health colleague state that the site is well-run this does not detract from the current conditions which are being encountered.
- 8.4 There has been a change in circumstances since the permission was originally granted i.e. Newton Leys coming forward and this is a fundamental consideration of the requested extension of operational time. Permission for the development of 1,650 houses at Newton Leys was granted on the understanding that the LFS would cease operating in 2022 and be restored to provide associated amenity benefits for the new residents.
- 8.5 On this basis the application therefore is considered unacceptable and cannot be supported.

## **9.0 REASON FOR REFUSAL**



- 9.1 The continuation of the existing operation (the development) would be unacceptable in terms of negative impact upon amenity of the local community in the longer term. A further fifteen years in operation would be harmful to the relative enjoyment of the community. The associated postponement of the restoration works would result in a loss of opportunity for the community to benefit for open space recreation as originally agreed. The application is

therefore contrary to Policy D1, D5, NE5 and NE6 of Plan: MK and Section 8 of the NPPF.



**KEY**  
 — PLANNING PERMISSION BOUNDARY REF. MK/60695  
 — LAND WITHIN THE APPLICANT'S CONTROL

**NOTE**  
 LANDFILL SURVEY DETAIL TAKEN FROM FCC PLAN REF. 463W44

<b>Project Title</b> FCC BLEETCHLEY LANDFILL <b>Client</b> 	<b>Drawing Title</b> PLANNING AND LAND OWNERSHIP BOUNDARIES	<b>PLANNING</b> Designed: AAO Drawn: AAO Checked: IS Approved: IS Date: 10/19 Submittal: - Zone / Mileage: -			
		Purpose of Issue AECOM Internal Project No.: 60602321 Scale @ A3: 1:10,000			
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Legend	
[Symbol]	Existing Woodland (bird and bat boxes to be added)
[Symbol]	Approved Post-settlement Contours
[Symbol]	Proposed Climax Woodland
[Symbol]	Proposed Pioneer Woodland
[Symbol]	Proposed hedge
[Symbol]	Proposed scrub/rough grassland mosaic
[Symbol]	Proposed agricultural grassland
[Symbol]	Proposed Species Rich Grassland on Clay
[Symbol]	Proposed Permissive Paths (approx 3.7m)
[Symbol]	Proposed Maintenance/Vehicle Access (indicative route)
[Symbol]	Proposed Open Mosaic Habitat
[Symbol]	Indicative Restoration Phasing
[Symbol]	Surface Water Lagoon
[Symbol]	Proposed ponds
[Symbol]	Area of New Housing

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Project Name	PLANNING	Checked by	Approved by	Date
AECOM Reference Project No.	B0802321	Submittal		08/03/20
Scale @ A3	1:5000	Zone / Mileage		

Project Title: **RESTORATION MASTERPLAN**

Project Title: **BLEETCHLEY LANDFILL SITE**

Client: **FCC**

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File Name: W:\0802321\FCC\BLEETCHLEY LANDFILL SITE\RESTORATION MASTERPLAN 2019\7

## A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

### A1.1 Bletchley and Fenny Stratford Town Council

'This is a statement made on behalf of the majority of Bletchley and Fenny Stratford Town Councillors and approved by them. In the current circumstances it has not been possible to approve a response to the planning application via resolution at a public and formal Town Council meeting, but Members did not want to lose the opportunity to comment on the proposed changes to conditions in this application. The Town Council is strongly opposed to this application which would potentially extend the operational life of the site by a significant length of time and delay restoration of the landscape. We believe this is not a compliant or sustainable development because the adverse impacts would far outweigh any benefits to the borough of Milton Keynes.

#### i Environmental i.e. Air Quality And Odour, Pollution And Flies

Policy NE6 of Plan MK lays out the approach which will be taken in considering applications which are likely to impact on pollution, air quality and odour as this one inevitably will. In recent years the unpleasant odours from the landfill site have been regularly discernible across the whole of Bletchley at different times of year and are especially noisome in Newton Leys. Based on this local experience over some years, it is difficult to have confidence that the problem of odour can be mitigated to any satisfactory degree and previous experience must be taken into account in evaluating any odour impact assessment referenced in the policy. Regular infestations of flies and the congregation of different varieties of gulls in vast numbers on and near the site have contributed to reduced amenity for residents in Newton Leys and Water Eaton. Although the landfill predates the housing development at Newton Leys the application for continuation should be considered in the current context of the increased housing built and being built not only at Newton Leys but also on the Lakes and at Eaton Leys. All these residents could be affected for years to come by potential poor air quality and odour.

#### ii Traffic Movements, Highways and Road Safety

Existing traffic movements along Jersey Drive to the landfill site already present a significant hazard for the local community. The road is heavily used both by vehicles accessing the landfill and by residents accessing homes and the local centre. The local centre is now well used for its shops and other amenities but its revised position within the estate mean that most residents access it by car. Jersey Drive also provides access to a well-used care home for the elderly. Construction of housing in the areas nearest to the landfill site which will use the same road access is now well underway and use of community facilities at Newton Leys Pavilion located near the site has begun. Overall non landfill traffic movements are increasing. According to the operator's website there are between 200 and 250 vehicles visiting the site daily to deposit waste. Vehicles waiting to access the landfill "stack up" on the side of Jersey Drive or park alongside the local centre to use facilities. These very heavy goods vehicles parking on and using Jersey Drive are unsuited to the local centre and now



present a hazard in the changed circumstances at Newton Leys. (Furthermore, their frequent arrivals and departures contribute further to the air pollution, noise and lack of amenity for residents mentioned above.)

iii Impact On Biodiversity And Sustainability

Bletchley and Fenny Stratford Town Council recognises and fully supports Milton Keynes Council's aspirations to reduce carbon emissions and promote biodiversity and sustainability as laid out in Plan MK and reflected in the MK Futures 2050 Commission report and in other policy statements made by the authority. By its nature any landfill site contributes to local environmental pollution and damages biodiversity and sustainability however good any mitigation measures. We object strongly to continued landfill activities which are not needed by MKC residents and are not in conformity with the spirit of the Plan MK and the Council's well-rehearsed commitments to biodiversity.

Finally, although this may not be possible at present, we would in normal circumstances request that this matter is determined by DCC and ask for the opportunity to make oral representations to the Committee.'

A1.2 West Bletchley Parish Council (consulted as adjacent parish)

'The applicant must demonstrate what measure are to be put in place to address the adverse environmental impacts of the proposals.'

A1.3 Cllr Emily Darlington – Bletchley East

'I write with reference to the above named application which seeks to vary conditions to conditions made under MK/806/95 pertaining to condition 2 (operational life), 3 (restoration sequence) and 5 (final restoration of the site).

I do not support this petition for the following reasons:

1. The timing of the application means that the council has not had the resources to consider the application properly
2. The timing of the application means the residents have not had the time to consider this application properly
3. The application is not in line the MK Council stated policy
4. The environmental impact of landfill is detrimental to biodiversity
5. The environmental impact of the extension of the land fill on increased numbers of residents is detrimental to health

Taking each of those points in turn and elaborating:

1. The timing of the application means that the council has not had the resources to consider the application properly

This application was submitted at a time when council officers are facing unprecedented pressure on resources to continue to deliver essential services. In particular, the Highways and Environment teams have been facing staff absence and increased demand. As the Cabinet Members for the Public Realm I have not been able to discuss this application with them during this time.

In addition, West Bletchley Council and Bletchley and Fenny Council have suspended all meetings in accordance with Government guidance and have not been able to meet to discuss the application.

Therefore the timing is depriving the application of the consideration and analysis it deserves by local and parish government.

2. The timing of the application means the residents have not had the time to consider this application properly

Given that the application has been submitted during a time of social distancing and ban on public meetings, I, as a ward councillor, have not been able to meet with residents to understand their views and concerns. It also means that there has been no engagement with the Landfill site. Their promises of engaging with the local community have fallen well short of expectation.

The residents themselves have been prevented in gearing up a local campaign as they have been prevented from meeting or knocking on neighbours doors.

3. The application is not in line the MK Council stated policy

It is MK Council's stated policy to be the "Greenest City". The Council's commitment to this can be found in many documents including the Council Plan, the Sustainability Strategy 2019-2050 and the Sustainability Action Plan.

"Principles guiding our action plan (Ref: MKC sustainability strategy)

Low emissions

Reducing the level of carbon emissions in Milton Keynes"

Given that MK Council send less than 1% of it's waste to landfill, the Bletchley landfill is more and more reliant on importing waste from elsewhere creating even more carbon emissions from the diesel trucks that deliver, idle and drive on MK roads passing the growing community in Newton Leys but also affection emission levels elsewhere in Bletchley including the Lakes Estate.

"Circular economy

Increasing the efficient use of resources to reuse materials, use less water, and ensure the best use of land"

As stated in the detail of the action plan it is MK Council's intention not to use landfill in the future.

"Low emissions

Reducing the level of emissions from transport, industry and agriculture and ensure clear air”

Landfill itself produces methane and carbon dioxide gases and is recognised as one of the bigger industrial contributions to climate change. Therefore, rejecting this application would make a significant contribution to MK Council’s stated goals of cutting emissions to neutral by 2030 and negative by 2050.

The support of an ongoing landfill doesn’t meet any of these principles.

The council has invested heavily in its own recycling facility and waste to energy centre which is considered one of the best and greenest in the country. In doing so it has deliberately reduced its use of landfill. The Council’s Sustainability Strategy agreed in March 2020 reiterated the strategy for the council to go to 0% landfill.

In addition, MK Council has stated that the Blue Lagoon is an important part of its Biodiversity Strategy as this area already has important species including the endangered Great Crested Newt. It is unclear how the extension of the landfill contract and additional years of run off would impact on these valuable species and the Lagoon itself.

4. The environmental impact of landfill is detrimental to biodiversity  
The site of the landfill is next to a strategic site of Biodiversity for Milton Keynes and the region as recognised by the Council’s Physical and Natural Environment document and the Natural Environmental Partnership.

Landfills produce run off which goes into the ground water and could affect the lagoon itself and the flora and fauna who live there especially the endangered Great Crested Newt.

5. The environmental impact of the extension of the land fill on increased numbers of residents is detrimental to health

The extension of the landfill is dependent on more waste coming from farther away in other counties as MK Council continues to reduce its use of the landfill. This is a significant change that was not as great of an issue with previous applications. During the time period that is in the application, MK Council will stop using the landfill all together. Therefore, 100% of waste and vehicles would come from outside the borough increasing the emissions, noise, smell and other associated activity that affect the residents.

In addition, the number of residents affected by the site has risen exponentially as the Newton Leys development has grown including a new primary school. These properties were bought with the understanding that the landfill was due to close soon. The playing fields and pavilion were also given planning permission and built on the understanding that the landfill will close. These are both located adjacent to the landfill site and could be adversely environmentally affected by the extension as young children are more vulnerable to the emissions and pollution caused by the landfill.

So for the reason stated above, I am opposed to 20/00678/FULMMA. Should planning officers want to recommend this application, I am asking that it is considered in public by Development Control Committee.'

#### A1.4 Cllr Martin Gowans – Bletchley East

'I am writing to object to the variations to the conditions, in particular extending the lifespan of the landfill site.

##### 1. Previous history

Although the full case history is unavailable due to the restrictions imposed by Covid-19, it is safe to assume that the reasons for adding a condition to lifespan is legally valid and sound (or FCC would have appealed it).

A request has been received previously to extend the lifespan of the landfill site under application 07/00052/MIN. This was refused with the following reason:

That planning permission for the extension of the operational period of the landfill site is refused as there is, at this time, insufficient evidence to conclude that there will not be enough waste generated within Milton Keynes and its immediate surroundings to enable the site to be completed by the date approved. Granting planning permission to extend the life of the site now would, therefore, delay unnecessarily the site restoration.

The facts of the request have not changed in favour of the operator. Indeed, since waste to landfill is reducing, it is likely that the operator will in turn ask for further extensions, and ultimately the landfill site may never be filled. It is better that the condition is adhered to as set originally set out.

##### 2. Planning policy

As you are aware there is significant concern from local residents about an extension to the operational life of the landfill. Given the length of the proposed extension, the application fails to meet policy of Plan:MK as set out in policies NE6 and D5 and should therefore be refused.

##### 3. Other notes

I wish to also put a number of points on record in response to FCC's letter to you of 29 May 2020.

a) FCC's claim that the landfill site is an important part of the waste infrastructure for the borough of Milton Keynes is wide of the mark. Less than 3% of waste now ends up in landfill and efforts continue through the Waste Recovery Park to reduce that further. The proposed capacity vastly exceeds any requirement. Second, the claim that Milton Keynes is self-sufficient for waste is of course misleading, since various difficult to process materials are taken to specialist disposal facilities of which there are only a few in the country.

b) FCC's claim that they undertake extensive community engagement is false. I have lived on Newton Leys since 2015 and been the ward councillor for Bletchley Park from 2014 to 2016 and for Bletchley East for 2016 to present.

They have not once asked me to attend meetings of the "Bletchley Landfill Liaison Committee Group", nor sent minutes or any other correspondence.

c) It is interesting to note that FCC does not believe that the landfill can be closed with its current landform. However, this is the issue they have always faced since buying the landfill from the previous operators. It is not the role of the Local Planning Authority or the local community to get them out of their own operational failures. The conditions on the current planning application, which was the current one when they bought the site, are clear and in any event, they should be preparing for closure in accordance with Environment Agency requirements.

A1.5 Cllr Mohammed Khan – Bletchley East

No comments received.

A1.6 Cllr Elaine Wales – Bletchley Park (consulted as adjacent ward)

'I am a Labour Councillor representing Bletchley Park Ward. I am aware that the Landfill site has planning permission to operate until 2022. I am opposed to the continued use of the site as a landfill site. Odours in landfill gas are caused primarily by hydrogen sulphide and ammonia, which are produced during breakdown of waste material. Hydrogen sulphide has the foul smell of rotten eggs, while ammonia has a strong pungent odour. The odours are offensive at up to four or five miles.

The site has continued to emit foul smells over many years. These can be smelt in many neighbouring parts of Bletchley. I also question the timing of the application. Because of the current lockdown and restrictions on meetings a public consultation cannot be held. West Bletchley Parish Councillors have not been able to meet/challenge this very controversial 15-year extension application either. I would suggest any decision on the application be deferred until the COVID 19 virus is tackled and the lockdown ended.

I understand there is a statutory timescale for responding to planning applications. An applicant interested in the public's views would withdraw the application. If the applicant will not do that MKC as the planning authority should reject the application, I am also aware of the use of other roads in Bletchley to the site that are used by large lorries. Drayton Road is still used and this causes traffic and pollution problems to residents on the Lakes estate.

The continued use of the Landfill site is hitting the new community of Newton Leys. The lorries back up on Jersey Way from early morning. There have been flea infestations of nearby Newton Leys homes and they suffer from smells and rodents coming out of the site. When Newton Leys was developed the new residents thought the landfill would end in 2022.'

A1.7 Cllr Allan Rankine – Bletchley Park (consulted as adjacent ward)

No comments received.

A1.8 Cllr Nabeel Nazir – Bletchley Park (consulted as adjacent ward)

No comments received.

A1.9 Cllr Nigel Long – Bletchley West

‘Introduction.

The Landfill site has planning permission to operate until 2022. Bletchley Labour councillors have long opposed the continued use of the site as a landfill site having opposed the planning application that extended the sites life to 2022.

There are 3 long standing central arguments against the extension of the site and an two additional argument (numbers 4 and 5) linked to development of Newton Leys and the impact on the ability to consult the public in the current COVID 19 climate.

1. Foul smells.

The main concern remains foul smells or odour.

Odours in landfill gas are caused primarily by hydrogen sulphide and ammonia, which are produced during breakdown of waste material. Hydrogen sulphide has the foul smell of rotten eggs, while ammonia has a strong pungent odour.

Whilst there is evidence that odours from most municipal waste are not too bad. When the odours are bad they can be offensive at a distance of up to four or five miles. I contend he odour from this site is great.

The site has continued to emit foul smells over many years. These can be smelt in the following parts of my ward; Counties, Scots, Abbeys and Rivers.

2. Traffic in West Bletchley.

Whilst the Landfill lorries no longer use Buckingham Road as they once did. We campaigned to them using the road over 10 years ago. We still see on local roads vehicles that have got lost. They still use Buckingham Road. That road is also taking the gravel lorries going to the new East/West rail link development by Bletchley rail station. Buckingham Road is becoming more congested than normal.

3. Traffic on other roads in Bletchley.

We are aware of the use of other roads in Bletchley to the site that are used by large lorries. Drayton Road is still used and this causes traffic and pollution problems to residents on the Lakes estate.

#### 4. Impact on Newton Leys.

The continued use of the Landfill site is hitting the new community of Newton Leys. The lorries back up on Jersey Way from early morning. There have been flea infestations of nearby Newton Leys homes and they suffer from smells and rodents coming out of the site. When Newton Leys was developed the new residents thought the landfill would end in 2022.

#### 5. Timing of Application.

I also support the views expressed by Bletchley East ward councillor covering the Landfill site and Newton Leys, Cllr Emily Darlington that the timing of the application restricts public consultation and the ability to challenge the proposed 15-year extension. I would suggest any decision on the application be deferred until the COVID 19 virus is tackled and the lockdown ended. I understand there is a statutory timescale for responding to planning applications.

An applicant interested in the public's views would withdraw the application. If the applicant will not do that MKC as the planning authority should reject the application.

#### A1.10 MKC Highways

'This application seeks to extend the operational life of the existing landfill operation for a further 15 years. No changes are proposed to the way the site operates or to the current access arrangements. The application is accompanied by a Planning Statement, which provides details of the operation. Within Appendix D of the Planning Statement is a Transport Statement (TS), covering the main highway issues. The TS looks at the vehicle routing, the number of HGV trips generated and the accident statistics in the local area. From data collected during traffic surveys, the TS show that:

- In 2019 the average number of weekday HGV movements to the site was 181;
- HGV movements to the Landfill constitute 50% of the HGV traffic on Jersey Drive\*;
- HGV movements to the Landfill constitute 4% of all traffic on Jersey Drive;
- HGV movements to the Landfill constitute 12% of the HGV traffic on the A4146;
- HGV movements to the Landfill constitute 1% of all traffic on the A4146.

\*The remaining 50% of HGV traffic on Jersey Drive can be attributed to the waste recycling facility, construction traffic for Newton Leys and normal delivery movements to Newton Leys. The TS investigation into Personal Injury Accidents (PIAs) in the area shows that:

- In the 5-year period only 6 PIAs, all classified as 'Slight' occurred on Jersey Drive between the site and the A4146 junction;
- Of those 6, only 1 involved a HGV;
- The site operator confirms that this vehicle was not associated with the Landfill.

As a result of the analysis carried out, it is accepted that the TS demonstrates that the extension to the operation of the site would not have any appreciable impact on the safety and operation of the surrounding highway network. The TS concludes that the continued operation of the site would not have a “severe” impact in terms of the NPPF guidance and that there would “be little, if any, perceptible difference in highway operation.” Given that there are no highway issues with the current operation of the site, there is no objection to the proposed variation of the condition to permit an extension of time. As the site is already operating, there are no conditions to recommend.

#### A1.11 MKC Flood and Water Management Officer (Lead Local Flood Authority)

##### **Initial comments**

We have reviewed the following documents:

- Planning Statement, AECOM, Dated: March 2020
- Proposed Surface Water Management, Sirius Environmental, Ref: WR7439/01/02 Rev 6, Dated: 28 February 2020
- Interim Surface Water Management Plan, Sirius Environmental Ref: WR7439/01/04 Rev 6, Dated: 28 February 2020

At present we object to the grant of planning permission for the following reasons:

##### 1. Surface Water Management

The surface water management scheme requires further detail before. As stated within the Surface Water Drainage Guidance for Developers document, the following information is still required to be able to provide comment:

- i. Identification of any surface water flood risk
- ii. Existing site drainage arrangements
- iii. Proposed method of surface water disposal
- iv. Existing and proposed runoff rates
- v. Required volume of attenuation (m<sup>3</sup> per m<sup>2</sup> of impermeable area)
- vi. Preliminary SuDS proposals
- vii. Drainage layout drawing and supporting hydraulic calculations
- viii. Details of proposed phasing

Once the above information has been submitted we will look to provide our formal comments.

##### 2. Features Outside Red Line Boundary

The submitted planning application mentions that the land where the lagoon is proposed in the north of the site is not within the red line boundary. It is acknowledged that there is a separate planning application being submitted alongside this, however, until this has been agreed and planning permitted for this lagoon, we are unable to support this part of the scheme. This is due to the



uncertainty that this part of the development will ever be constructed. Therefore, the applicant must provide an alternative strategy that could be implemented in the event that the planning permission for this lagoon is not approved. Until this has been submitted we are unable to support this application.

### **Revised comments**

Thank you for your consultation which we received on the 28th October 2019. We have reviewed the submitted documents and supporting information provided in an email from AECOM dated 3 July 2020 and can confirm we are now able to remove our objection to the proposed development.

Additional information relating to the surface water scheme has been provided as requested in our objection letter.

In respect of our concern regarding the location of the lagoon being outside of the redline boundary, this has been overcome as the planning officer has confirmed the applications can be considered in parallel.

#### **Condition**

The surface water drainage scheme shall be constructed and maintained in full accordance with the Surface Water Drainage Scheme Report prepared by Sirius as submitted (ref: WR7439/JD/01) dated 15 June 2020.

#### **Reason**

To prevent an increased risk of flooding and protect water quality

#### **A1.12 MKC Landscape Services (Tree Officer)**

No representations were received at the time of writing this report.

#### **A1.13 MKC Landscape Architect**

'No objection, subject to and notwithstanding the approved plans, all other conditions remaining in force.'

#### **A1.14 MKC Countryside Officer**

No written representations were received at the time of writing this report however a verbal conversation took place which highlighted that no objections were to be made as the proposed long-term plan would be a significant improvement to the current status of the site in terms of biodiversity.

#### **A1.15 MKC Countryside Officer (GCN)**

'Thank you for your consultation - no comments to make with regards to GCN District Licensing. '

#### **A1.16 MKC Environmental Health**

The landfill site operates under a permit issued by the Environment Agency that contains legally binding conditions designed to control odour and dust emissions. Enforcement for non-compliance therefore lies with the Environment Agency and they will have inspection reports and details of all complaints received.

However, the Environmental Health Department does sometimes receive odour or fly complaints directly from residents; since January 2017 we have received 7 complaints, 6 about odour and 1 about flies. The landfill manager is notified as soon as possible to enable early investigation of complaints to take place and the complainant is given contact details for both FCC Environment and the Environment Agency. The site is well run and has an active community liaison group that is attended by FCC, residents, Environment Agency and Council officers, providing updates on the landfill operations and dealing with any issues raised.

I have no objection to the application based on the above evidence.'

#### A1.17 MKC Head of Environment and Waste

'This letter represents a formal response to the application reference: 20/00678/FULMMA

Milton Keynes Council as a Unitary Authority undertakes the core statutory functions of both the Waste Collection Authority (WCA) and the Waste Disposal Authority (WDA) for waste management. The Local Authority waste management team operate using an asset based approach to waste management where Milton Keynes Council build, own and operate (operation through the private sector) waste disposal, waste infrastructure and waste management facilities to dispose, recover and recycle household waste produced within the borough.

#### **Short term 2020 - 2023**

As a Local Authority Milton Keynes Council sends a very low percentage of waste direct to landfill. The figures for landfill disposal by Milton Keynes are available from WasteDataFlow. The primary point of disposal of Household Waste for treatment in Milton Keynes is the Milton Keynes Waste Recovery Park (MKWRP). The dedicated treatment facility receives household waste from the borough and was principally designed to provide a long term waste management solution over a 50 year horizon. The facility uses a combination of Mechanical Treatment (MT), Anaerobic Digestion (AD) and Advanced Thermal Treatment (ATT) via a process known as gasification to extract recyclate and generate electricity.

It should be noted that the Landfill site in Bletchley operated by FCC is listed as a contingency delivery point by the operator of the MKWRP which is Amey. Therefore, if MKWRP is unable to accept household waste from Milton Keynes Council then it will be diverted to the landfill site.

Bletchley Landfill also offers an in borough contingency solution in the event that MKWRP is unavailable. If the requirement to 'tip away' is due to no fault with the Authority waste treatment contractor (e.g. blocked road, fire outside the site etc) then the Authority may incur additional tipping away charges if the service provider has to travel to an alternative out of borough tipping point. There would also be reputational risk for the council if the service could not complete collections due to the need to travel further to tip waste.

Utilising the waste hierarchy the services would always seek to minimise landfill and use alternative treatment technologies wherever possible as part of a contingency planning portfolio. It is recognised however, that local treatment solutions are likely to be restricted by a design throughput or maximum permitted daily input under the respective permitting regimes. Local landfill therefore currently plays a recognised short-term contingency to excess waste or backup in the event of having to invoke contingency plans.

### ***Medium term 2023 - 2033***

Some waste streams handled by waste disposal authority cannot be treated or recycled locally as they require specialist deconstruction or treatment due to their respective construction or hazardous components. As such, the Waste Disposal Authority currently anticipates within the foreseeable future a waste infrastructure requirement for the Local Authority to build within the borough a dedicated waste transfer station. It is expected that this transfer station will be built adjacent to an existing waste infrastructure facility managed by the Authority or as a direct replacement or complementary to an existing facility.

Although landfill capacity is required for contingency in the short term once the transfer station is available then it will open up alternative treatment options for the Authority should MKWRP be unavailable.

Such a facility would enable bulking up of residual household waste material to go to an alternative treatment facility with a disposal route that is higher up the waste hierarchy. Such a facility would be an Energy from Waste (EfW) Plant for example. The transfer station would be expected based on 2019/20 figures only be required to handle 2,250 tonnes of household waste for onward disposal and would enable Milton Keynes to pursue a route of zero waste to landfill. The transfer station would also handle multiple recycling streams for onward haulage and processing.

In the case of asbestos, a hazardous waste landfill or asbestos cell within a non-hazardous landfill site is required as it cannot be treated. Some offensive wastes (e.g. dog faeces from parish or town council dog bins) may need to access landfill as a local disposal option. However, Milton Keynes Council does not currently have any dog waste bins or segregated offensive waste collections.

Therefore, in the medium-term Milton Keynes Council does not foresee the use or requirement to utilise the landfill site in Bletchley.

### ***Long term 2033 – 2050***

The Milton Keynes Waste Recovery Park (MKWRP) contract with Amey initially expires in 2033. As part of the commissioning and procurement of this contract then the Waste Disposal Authority would not only seek the most competitive and attractive bid to manage the facility but also one which potentially delivers a wider integrated management of waste infrastructure assets owned by the Local Authority including (but not limited to); the Materials Recycling Facility, Waste Transfer Station and associated Household Waste Recycling Centre sites.

This proposed infrastructure assembly plan and historical performance to provide a near zero landfill solution further demonstrates that in the long-term Milton Keynes Council does not foresee the use or requirement to utilise the landfill site in Bletchley.'

#### A1.18 MKC – Development Plans

“There are three key waste streams which MKC is required to plan for as Waste Planning Authority:

Non-hazardous waste  
Construction, Demolition and Excavation Waste  
Hazardous Waste

Milton Keynes Waste Development Plan Document (WDPD) 2007-2026 includes Core Strategy, Allocations and Development Control Policies and it was adopted in 2008 (prior to the National Planning Policy Framework and National Planning Policy for Waste).

Local planning authorities are required, under The Waste (England and Wales) Regulations 2011 (coming from the requirements set under the Waste Framework Directive) to have regard to the requirements of proximity and self-sufficiency when exercising their planning functions relating to waste management.

National Planning Policy for Waste (NPPW) (2014) Para 3 requires authorities to drive waste management up the waste hierarchy but an adequate provision must be also made for the disposal of waste.

Bletchley LFS has been operational since the 1970s and is located within the clay pit that was part of the former Newton Longville brickworks. The Site comprises approximately 116ha of land in total including the operational landfill (amounting to some 109ha). It can accept non-hazardous and inert waste (including construction, demolition and excavation (CDE) waste) from a range of sources including:

Local commercial and industrial (C&I) waste (including soils used for cover and restoration);  
municipal solid waste (MSW) via contracts with local authorities currently including Central Bedfordshire and Hertfordshire;

waste from local transfer stations, currently including Aylesbury Transfer Station;  
a proportion of waste from North London (including trommel fines);  
material which is currently being exported overseas used as Refuse-Derived Fuel (RDF);  
operates as a back-up facility and alternative waste disposal route during shutdowns at local Energy from Waste facilities and for other waste management operations including within Milton Keynes.

The applicant (FCC) states that the waste inputs into Bletchley LFS over the last 15 years have been significantly less than originally forecasted when permission MK/806/95 was granted, and thus completion of the site's restoration will not be achievable by 2023. It is stated that the remaining void is approximately 10 million (M) m<sup>3</sup>. Based on the forecast rate of waste importation (see section 3.2 of the Planning Statement for details), FCC has identified the requirement to extend the operational life of the landfill site for a further 15 years (to 6th February 2037) to fill this void.

Authorities are required under Para 3 of the NPPW to consider any waste management needs, including for disposal of the residues from treated wastes arising in more than one waste planning authority area but where only a limited number of facilities would be required. Local Planning authorities need to consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

NPPW Para 7 requires authorities to ensure that landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary. The amount of waste disposed of to landfill sites in England has fallen significantly due to the drive to divert the management of waste further up the waste hierarchy, away from landfill and to recycle more.

The Bletchley Landfill is an existing and fully established strategic waste management facility (e.g. it serves Hertfordshire, Central Bedfordshire and other Local Authorities in the South East) safeguarded for this use in accordance with Policy WA2 of the adopted Milton Keynes Waste Development Plan Document (MK WDPD). The Site is also identified in the MK WDPD Fig W1 'Current Waste Sites in Milton Keynes' as the only non-hazardous landfill site within Milton Keynes. The MK WDPD acknowledges in the supporting text to Policy WA2 of the MK WDPD that it was known at the time when the Plan was adopted (in 2008) that an extension to the life of Bletchley LFS (to beyond the Plan period) may be required due to reduced waste imports.

Therefore, regard must be as to whether there is currently and will be continued need (both within Milton Keynes Borough and amongst South East Waste Planning Advisory Group (SEWPAG) members) for the landfill site to remain operational for 15 additional years. This site is a strategic non-hazardous landfill for the South East of England.

If it can be demonstrated that there would be continued need for non-hazardous waste to be disposed of at the site, then extending the operational lifetime of the landfill would allow Milton Keynes to continue to be net self-sufficient in terms of managing its residual waste for final disposal and contributing to the strategic network of the waste management facilities and therefore cooperating with neighbouring authorities. It will also prevent the need to permit additional landfill capacity at other sites in South East of England or beyond; more stringent groundwater protections in the Groundwater Directive restrict the potential to establish new landfill sites.

In coming to a view whether there is a need for the operational life of the landfill to be extended, consideration must be had to:

The Waste Framework Directive (2008/98/EC), as amended, which states waste planning authorities should have regard to the principles of 'net self-sufficiency' and 'proximity'. This means that WPAs should provide for the development of sufficient capacity and enable the delivery of such capacity in the right place at the right time.

Historical data about the amount of waste going into the landfill, the size of the remaining landfill void and expected waste disposal amounts over the additional 15-year period proposed by the applicant. Landfill void data can be reviewed here: <https://data.gov.uk/dataset/237825cb-dc10-4c53-8446-1bcd35614c12/remaining-landfill-capacity>

- Including quarterly returns from the last few years of:
  - Origin of the waste (to review in line of the proximity principle)
  - Type of waste deposited (to ensure majority of the waste that is deposited in the landfill could not be processed further in accordance with the waste hierarchy (e.g. reused or recycled) with a separate breakdown showing the % of Local Authority Collected Waste (LACW) deposited at the landfill.
- The need to work collaboratively and strategically due to limited number of non-hazardous landfills.
- The availability of adequate treatment facilities in the wider region.
- The findings of SEWPAG's Non-hazardous Landfill Joint Position Statement, a copy of which is attached to this response.
- If there is need for continued landfill use in future, the lack of land available elsewhere for landfill purposes given ground water issues, which would indicate continued use of the site should be supported.
- Waste Data Interrogator findings (published by Environment Agency).

Consideration must still be had with regards to the Development Control Policies outlined in the MK WDPD, as well as other documents within the development plan such as Plan:MK, which this proposal shall have to accord with.

The development may be acceptable in principle if it is considered that there is and will be continued need for the strategic landfill facility to remain operational beyond 2022, based on a review of the historical data for the landfill and based on the future projections of type of waste going into the

landfill and recycling targets. The case officer shall need to carry out an assessment to determine this. The site is of a strategic nature however we would expect in line with the proximity principle most of the waste going to the landfill to be from those areas closest to the site. The case officer should request quarterly breakdowns of waste disposed of at the site, as noted above, by source authority and distance that it travels.”

#### A1.19 MKC Rights of Way

“Bletchley Footpath 28 is a public right of way which links the Blue Lagoon to the western edge of the Newton Leys housing development. It should be noted that the potential demand for this public footpath has significantly increased recently due to the recent Newton Leys development. The footpath provides a link between this new estate and the Blue Lagoon and Bletchley beyond. At present the footpath is unable to be used by the public due to metal fencing erected across the site boundary due to the nature of the landfill onsite operation and associated vehicles. The route is therefore currently obstructed, which is an offence under section 137 of the Highways Act 1980. The reason for the present situation has arisen following a permitted temporary diversion of the footpath earlier in the history of the site. In 1986, a temporary diversion of the footpath was undertaken under the 1951 Mineral Workings Act which allowed the route to be diverted along a different route for 10 years to allow for extraction. When this temporary diversion ran out the footpath legally reverted to its original line.

However, in 1996 when the diversion ran out, it appears to have gone unnoticed by both the local authority and the landowner. The issue was flagged up by the Rights of Way team later and it is clear from correspondence on file that the previous site owners were in the process of applying for a diversion in 2005 before the current owners purchased the site. For reasons that are not clear the diversion was not undertaken and the situation appears to have been left until the recent planning consultation flagged the issue up.

#### **Planning Application Outcomes**

##### **Successful Application**

Should the application to extend the operational life of the site be successful, the footpath will require diverting as it will not be acceptable to keep the footpath obstructed for the length of time outlined in the application. Therefore, the Rights of Way team were keen for the condition to be set that the footpath be diverted to another nearby viable route which FCC have agreed to. This is undertaken through a legal process called a Public Path Order which changes the route of a right of way permanently.

In light of FCC agreeing to apply for a diversion as a condition, the Rights of Way team felt it could remove its initial objection to the proposal. Successful completion of a Public Path Order would mean a public right of way will be available to the public albeit slightly to the east of the original footpath but broadly linking the areas of the original footpath together.

### **Unsuccessful Application**

Should the application be unsuccessful in the first instance the Rights of Way team would look to the original terms of the application reference MK/806/95. This includes the restoration of the site, which would allow the public to access the footpath route within a fixed timeframe. It should be noted until the recent application to extend the operational life, this was always the intended outcome for the site in 2022. This would be the preferred option as no legal changes would be required as the route already exists. If the site is unable to be restored to a suitable condition, this does pose an issue as the footpath would remain obstructed and a resolution would need to be sought. This could be achieved by the landowner applying for a diversion of the footpath through a public path order as outlined above in the successful application outline. Any diversion onto land not owned by the applicant would require the consent of the relevant landowner. The applicant should be aware that this is subject to public consultation and should objections be received that could not be resolved, the matter is referred onto the Planning Inspectorate for determination. “

#### **A1.20 Buckinghamshire Council (adjacent authority)**

‘Thank you for consulting Buckinghamshire Council on the above application. As this site straddles the MK/Buckinghamshire boundary, the same comments have been submitted to Buckinghamshire Council on their corresponding application, CM/0018/20. Whilst the site is within both Waste Planning Authorities (WPA), the area in which is actively being landfilled and the remaining void space is predominately within MK. The recently adopted Buckinghamshire Minerals and Waste Local Plan 2016-2036 (MWLP), does not include the Bletchley Landfill Site within its capacity to meet future needs, therefore the Buckinghamshire MWLP doesn’t rely on this site to meet its waste needs. However, during 2018 just over 37,000 tonnes of waste was received by the site within its origins within the Buckinghamshire WPA. The majority of the waste deposited at the site was inert material. Whilst this amount is considered a strategic movement between the two authorities it only makes up approximately 4% of all the waste received by the site.

With the increase in recycling rates and a reduction in wanting to landfill waste, non-hazardous landfill is starting to be more than an individual authority’s issue. The South East Waste Planning Advisory Group (SEWPAG) has reviewed landfill capacity across the South East in the Joint Position Statement: Non-hazardous Landfill in the South East of England, September 2018. This reviewed landfill capacity for non-hazardous waste across the South East and concluded that if no new non-hazardous landfill capacity were permitted, capacity in the South East would be depleted by 2039.

Whilst the application isn’t for new capacity and seeking restoration prior to 2039 it is important to highlight this due to the amount of void space remaining at the site. The JPS estimated that at the end of 2017 there were just over 40 million m<sup>3</sup> of void space capacity. Whilst over the past 2-year landfill capacity will have depleted with 2 more years of deposits it is anticipated that the Bletchley Landfill Site contributes to approximately a quarter of the non-hazardous landfill capacity within the South East of England. The loss of the



remaining 10 million m<sup>3</sup> at this site would have a significant impact on the capacity within the South East. Planning policy seeks the restoration of landfill sites at the earliest opportunity to high environmental standards. Whilst an extension of time for 15 years is a long time, with the reduction of non-hazardous waste going to landfill sites are taking longer to ensure correct levels for restoration.

The extension of time, and the amenity impacts on the surrounding communities, needs to be weighed against the significance of the amount of landfill capacity that this site provides.'

#### A1.21 Buckinghamshire Council (Strategic Access Officer)

'Local rights of way in and around the application site are shown in Plan 1, where black dashed lines are in Buckinghamshire and orange dashed lines in Milton Keynes.

##### Plan 1

Note: Footpath 026 Bletchley, which is shown in Plan 1 passing through the Newton Leys housing area and adjacent to the primary school, has subsequently been diverted to the southwest and the new alignment is shown yellow in Plan 2.

##### Plan 2

The Milton Keynes Boundary Walk, promoted by MK Council, follows Footpath 026 Bletchley, then along Footpath 028 in the same parish, parallel to the county boundary, then along Footpath 3 Newton Longville Parish (NLO/3/1) into that village.

##### Bletchley Footpath 028

In featuring on the Milton Keynes legal definitive map of public rights of way, Bletchley Footpath 028 appears to be obstructed by fences in two places at the site's red edge boundary as illustrated in Plan 3 and this may have been the case for over 25 years. While this footpath sits entirely within Milton Keynes Borough area, the route connects with Footpath 3 Newton Longville Parish (NLO/3/1) and would otherwise be used by residents in each authority.

##### Plan 3

Information provided by rights of way colleagues in Milton Keynes Council indicates Bletchley Footpath 028 was diverted temporarily in order to undertake mineral extraction on 23<sup>rd</sup> December 1985 for a period "not exceeding 10 years" – see Plan 4.

##### Plan 4

Paragraph 5 of the order states:

Evidently, no subsequent order was made, the definitive route remains obstructed and an offence is committed. I'm not aware if the temporary route in

Plan 4 is still available, but accounting for the fact 'FP26' has been diverted to the south, a shorter, more convenient route would be desirable.

In order to resolve this issue, a diversion under s261 TCPA 1990 would appear not possible as it would fail to meet the necessary legal requirement of the legislation ("for mineral workings"); nor s.257 TCPA 1990 as the operations are "substantially complete".

I see only two solutions:

1) commence the process of diverting the public footpath permanently under s.119 Highways Act 1980, while closing the route now by temporary traffic regulation order (TTRO) under section 14 of the Road Traffic Regulation Act 1984, while the permanent diversion order process is undertaken (this can take over 12 months).

2) divert the public footpath onto a permissive route for 17 years, secured through a revised s.106 agreement, while closing the route by temporary traffic regulation order (TTRO) under section 14 of the Road Traffic Regulation Act 1984 while this process is undertaken.

Whilst a TTRO can only be made for a maximum of six months, a temporary order can then be extended by the Secretary of State in the exercise of his or her discretion. This would seem reasonable in order to undertake the processes described in 1 and 2 above, but a further 17 years (in this case, including an additional 2 years to complete restoration) may seem excessive to the Secretary of State and stretching the word 'temporary', particularly in light of local objections to a 15 year extension on top of an existing 25/35 year closure of the definitive alignment.

In scenario 2, what happens when the site is restored? The footpath would then need to revert back to the original alignment, but the restoration plan doesn't accommodate such a route.

Hence, I would suggest in light of the ongoing unlawful obstruction; there being little prospect of it being reinstated on the original alignment in the near future; and a further closure for 17 years being proposed; I would suggest that an alternative, convenient route needs to be secured. Further details are sought from the applicant as to their intension.

## 2. Suggested access improvements

The restoration plan outlines a number of new permissive routes, which are welcome, but there appears to be no framework in which these are secured. I would suggest wording in the revised s.106 agreement that secures access for walkers and cyclists in perpetuity, combined with ongoing maintenance falling to the applicant and any successor in title (unless they wish to dedicate as public rights of way). With reference to Extract 1 from the restoration plan key, clarification is sought that the 'Proposed Maintenance/Vehicle Access' routes will also be publically available. If not, a number of dead-ends are created along the 'Proposed Permissive Paths' which is unsatisfactory.

### Extract 1

In light of the increase in negative effects from the operation of the site for landfill over an additional period of 15 years, outlined in comments on Public Access to the Buckinghamshire Council application, I suggest further significant improvements as compensation are made to the revised restoration plan for

eventual public benefit. The 1995 permission doesn't appear to have secured any public access benefits by planning condition or within the s.106 Agreement (dated 4/2/2002 ref: MK/00806/95). The s106 plan also seems only to cover part of the site now covered by this (CM/0018/20) application, so I assume a revised s.106 agreement is to be drafted where access improvements can be secured across the whole site, including land to the west of the red edge, abutting Bletchley Road.

### 3. Milton Keynes Boundary Walk

The proposed public access routes don't connect with the Footpath 28 Milton Keynes and Newton Longville Footpath 3 (NLO/3/1) which forms part of the Milton Keynes Boundary Walk promoted route – see Plan 5 and Extract 2. A revised restoration plan is requested to indicate the public being able to make onward connections to the rights of way network from the site (see my suggested blue lines on Plan 1), particularly as the area immediately south of the site is marked as proposed housing. Those residents will clearly benefit from the eventual walking and cycling provision onto the restored site within easy reach of their house. In Extract 2, the red edge may need clarifying or re-drawing to include the triangle of land abutting the boundary walk (highlighted yellow in Extract 2).

On a positive note, a link is provided in the south-eastern corner into the nearby allocated housing land – see Extract 3 and Plan 6, albeit the original more direct alignment is lost through Field 1.

### 4. Strategic Connections

The Site Area plan indicates the red and blue edge (within the applicant's control) stretching from Bletchley Road in the west to Guernsey Road in the east. Upon restoration I would suggest securing a public bridleway constructed to Milton Keynes 'Redway' standard, accompanied by a Breedon Gravel surface for equestrians, to provide a walking and cycling connection for active travel between communities and for leisure. This would be particularly attractive for family groups, children learning to cycle and those commuting to work for new residents around the growth areas of Newton Leys and further west at 'Land South-West Milton Keynes' (Aylesbury Vale application 15/00314/AOP). Surfacing can be secured within a revised s106 Agreement or by condition, which I have recommended below. See route suggestion highlighted yellow in Extract 4.

#### Extract 4

This would facilitate otherwise absent Redway connections between routes highlighted yellow in Plan 5.

#### Plan 5

### 5. Northern connections

A connection across the northern boundary would seem desirable, but it's not clear from the Restoration Plan if this is provided. Further clarification is sought. In light of the above, more information is requested on the following items:

1) intension regarding Bletchley Footpath 028;

- 2) clarity regarding publically accessible routes within the restoration plan key;
- 3) draft s106 'Heads of Terms' to provide a framework for the proposed access routes;
- 4) illustrated access connections to adjoining rights of way across the site boundary; &
- 5) red edge boundary confirmation on the border with the Milton Keynes Boundary Walk.

The following condition is recommended. I would also support the recommended condition set out by Milton Keynes Rights of Way Officer and a framework for the proposed access routes shown on the restoration plan will also need setting out within a new Schedule of the revised s.106 Agreement.

Condition

*Prior to the commencement of restoration, a scheme for the resurfacing, signing and surface upgrade of a newly dedicated public bridleway, shown indicatively on the Illustrative Masterplan running east to west through Fields 4, 7, 8 and 9 of the restored site, shall be first submitted to and approved in writing by the LPA, in consultation with and to the satisfaction of the highway authority. The aforementioned right of way shall subsequently be resurfaced, upgraded and provided to Milton Keynes 'Redway' standard, with accompanying surfaced equestrian path in Breedon Gravel, in accordance the approved details and within 2 years of the commencement of the site's restoration.*

Reasons:

*To ensure a suitable walking, cycling and equestrian route is provided across the site between Newton Leys and Bletchley Road by sustainable means; to provide a lasting recreational and active travel legacy for local communities; to contribute to wider strategic aims to improve cycling connectivity in Milton Keynes and Buckinghamshire; and to comply with guidance in the National Planning Policy Framework.*

#### A1.22 Environment Agency

We suggest the Operator contacts our permitting team ASAP to ensure any changes required to their Environmental Permit are made.'

#### A1.23 Network Rail

"The applicant is to submit the details directly to NationalMiningEngineer@networkrail.co.uk for agreement in addition to any planning consent.

The applicant is to submit the attached form directly to AssetProtectionLNWSouth@networkrail.co.uk and agreed the conditions with them.

The works would need to be agreed with Network Rail's Asset Protection team and national mining team."

#### A1.24 Ramblers Association

'The description of the public rights of way in the Planning Statement does not correspond with my understanding of the status of footpath 28. The attached aerial image from the online Definitive Map shows the route of the footpath doing through the recycling site. Because of the fencing around the site it has not been possible to walk along this path between grid references SP866322 and SP864315 for many years. To my knowledge no diversion is in place for this section of the footpath. I suggest that should a 15-year extension be granted, then it should be conditional on a suitable temporary diversion be found for this footpath.'

#### A1.25 Neighbour/Third Party Representations

Comments have been received from approximately 220 addresses/neighbours including a representation on behalf of the Newton Leys Residents Association. The material planning considerations are summarised below:

- Significant harm to the amenity of occupiers within the vicinity
- Harm to residents through noise from vehicles and mechanical processes.
- Traffic issues from lorries visiting the LFS constantly and causing a risk to highway safety from inconsiderate/dangerous driving and mud/refuse left on the roads.
- Unpleasant odours caused by the existing landfill.
- Harm to existing wildlife and biodiversity in the local area.
- Infestations of insects particularly in warm weather.
- Landfill should be used less in the future so this site should not be required.
- The delay in restoration works will have a negative impact on the local area and amenity of Newton Leys.
- The noise, flies and odours are so significant that complaints have been made to the Council/ Environment Agency.
- Waste from other locations within the region should not be imported.
- The change in circumstances is a significant concern for homeowners in the long term.
- Safety and amenity issues from waste lorry drivers using Jersey Road as an unauthorised overnight rest station with no facilities.

Appendix 2 – Decision Notice MK/00806/95



ENVIRONMENT DIRECTORATE  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) 1995

**Application no: MK/806/95**

To: Shanks Waste Services Ltd  
Dunedin House  
Auckland Park  
Mount Farm  
Milton Keynes

IN PURSUANCE of their powers under the above mentioned Act and Orders the Milton Keynes Council as Local Planning Authority hereby **Permit** the

#### **RECONTOURING OF THE LANDFILL SITE**

**At Newton Longville Landfill Site, Bletchley**

In accordance with your application received 24<sup>th</sup> July 1995 and the plans and particulars accompanying it, including all drawings in the Environmental Statement dated June 1995 and the interim scheme subsequently submitted in January 1998 subject to the following conditions:-

#### **DATES OF PERMISSION AND GENERAL REQUIREMENTS**

1. The development to which this permission relates shall be commenced not later than the expiration of five years, beginning with the date of this consent.

Reason: To prevent the accumulation of planning consents, to enable the Council to review the development in the light of altered circumstances and to comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990.

2. Except for materials required for restoration, hardcore to surface internal roads or inert materials required to remedy the long term effects of differential settlement, the importation of waste materials to the site shall cease within 20 years of the date of this permission or 16 years from the opening of the new site access to traffic, whichever is the sooner.

Reason: To ensure that the restoration of the land is achieved within a reasonable timescale and to enable the Waste Planning Authority to review the situation in the light of altered circumstances and to comply with the requirements of Schedule 5, Part 1 of the Town and Country Planning Act 1990.

Environment, PO Box No 125, Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3ZJ  
Development Control Enquiries Direct Line (01908) 252358  
Tel: (01908) 691691 Fax: (01908) 252211 Hays DX 31406



3. The development hereby permitted shall only be undertaken strictly in accordance with the Site Restoration Sequence included as figure 2.4 of the Environmental Statement dated June 1995 (notwithstanding that this is described on its face as indicative) unless an alternative scheme is submitted and approved in writing by the Waste Planning Authority.

Reason: To ensure the satisfactory restoration of the site.

4. The disposal of waste shall be undertaken in accordance with the working plan as approved by the Environment Agency.

Reason: To minimise the impact of the development on the local community.

5. Final restoration of the whole of the application area, including the placement of all topsoil or topsoil substitute but excluding landscaping, aftercare and operations required to rectify differential settlement, shall be completed to the satisfaction of the Waste Planning Authority within 12 months of the cessation of waste inputs to the site.

Reason: To ensure that the restoration of the land is achieved within a reasonable timescale and to enable the Waste Planning Authority to review the situation in the light of altered circumstances and to comply with the requirements of Schedule 5, Part 1 of the Town and Country Planning Act 1990.

#### **SITE ACCESS**

6. Sole vehicular access to the site shall be via the existing site access onto the C9 Bletchley Road until the link to the A4146 is available for use. The existing access shall then be stopped up, or modified in accordance with a scheme to be agreed with the Waste Planning Authority and thereafter sole access to the site for waste vehicles shall be via the proposed access onto the link road when this is available for use.

Reason: In the interests of highway safety and to minimise the adverse effects upon residential properties.

7. Use of the proposed new access to the road link to the A4146 shall not be made until it has been laid out in accordance with a scheme that has first been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of highway safety.

8. The site access shall be kept in good physical condition and kept sufficiently clean for the duration of the tipping operations to prevent mud being deposited on the public highway. Steps shall be taken to ensure that all vehicles leaving the site are in such a condition to avoid the deposit of mud or debris on the public highway.





Reason: In the interests of highway safety.

#### **NOISE AND ODOUR CONTROL, DUST SUPPRESSION AND OPERATIONAL HOURS**

9. Within 2 months of the date of this permission, a scheme shall be submitted to the Waste Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The measures shall be implemented within one month of approval by the Waste Planning Authority.

Reason: To ensure that operations on site are carried out so as to minimise noise disturbance to local residents.

10. The operations hereby permitted shall be carried out in a manner which ensures that dust will not be carried beyond the site boundary. This shall include the use of water bowsers on internal haul routes.

Reason: To minimise the impact of the development on the local community

11. No operations shall take place on the site except between the hours of 0800 to 1800 hours, Mondays to Fridays, 0800 to 1300 hours, Saturdays and not at all on Sundays or Bank Holidays.

Reason: To minimise the impact of noise generated by the operations on the local community.

#### **RESTRICTION ON ANCILLARY PLANT**

12. No additional fixed plant, buildings, or equipment (including lighting columns, fences, pipelines and boreholes) shall be erected or installed on the site, except in accordance with the approved application or such details as may be approved in writing by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to retain control over the development of the site.

#### **SITE RESTORATION**

13. Except as may be provided for by a separate planning permission or by condition number 14 below, all ancillary plant, buildings, hardstandings and equipment, shall be removed and the site restored to the satisfaction of the Waste Planning Authority in accordance with the timetable defined in condition 2 of this planning permission.



ENVIRONMENT DIRECTORATE  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) 1995

Reason: To control operations and to ensure that the restoration of the land is achieved within a reasonable timescale.

14. All plant, buildings, and equipment required in connection with the control and monitoring of leachate or landfill gas shall be removed from the surface of the site when they are no longer required for that purpose, whereupon the land shall be restored to the satisfaction of the Waste Planning Authority.

Reason: To secure the ultimate completion of restoration.

15. In the event that no operations take place on the site for a period of twelve consecutive months, a modified restoration scheme shall be submitted the Waste Planning Authority for approval within a further three months. The scheme shall make provision for the restoration or treatment of all operational areas, so as to leave the site in a satisfactory condition prior to the resumption of workings. The scheme shall be implemented within twelve months of its approval.

Reason: To ensure that the site is restored to a satisfactory condition in the event of a temporary cessation of operations.

16. Within three months of the date of this permission, a plan showing the proposed post-settlement contours, designed to achieve settlement to the approved restoration contours, shall be submitted to the Waste Planning Authority. Except as may be approved in writing by the Waste Planning Authority, no filling shall take place above the contours shown on that plan.

Reason: To ensure the satisfactory restoration of the site in accordance with the approved scheme.

17. All depressions and voids arising as a result of differential settlement of the waste shall be backfilled before the placement of the agricultural cap. Any subsequent depressions or voids that appear shall be remedied as necessary in accordance with condition 37.

Reason: To ensure the satisfactory restoration of the site.

## **SURFACE WATER DRAINAGE**

18. A scheme detailing foul and surface water drainage and measures to prevent water pollution and flooding shall be submitted to the Waste Planning Authority for approval within 3 months of the date of this permission. The scheme shall be implemented as approved, or in accordance with such subsequent modifications as may be approved in writing by the Waste Planning Authority.

Environment, PO Box No 125, Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3ZJ  
Development Control Enquiries Direct Line (01908) 252358  
Tel: (01908) 691691 Fax: (01908) 252211 Hays DX 31406



ENVIRONMENT DIRECTORATE  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) 1995

Reason: To prevent the increased risk of pollution to the water environment and flooding.

#### **DECISION NOTICE FOR INSPECTION**

19. A copy of the decision notice, application plans as hereby approved and the associated Section 106 agreement shall be kept at the development site office and available for inspection by employees and agents of the site operators and the Waste Planning Authority at any time during working hours.

Reason: To ensure that an orderly programme of operations is carried out in such a way that the adverse effects on the local community are kept to a minimum and that the complete restoration of the land to a beneficial use is achieved.

#### **LANDSCAPE SCHEME REQUIREMENT**

20. Within 2 months of the date of this permission, a revised landscaping scheme for the site shall be submitted for approval to the Waste Planning Authority. This scheme shall include i) the grass seeding of areas as soon as possible after the placement of soil, or soil substitute, over restored areas ii) the grass seeding of exposed tipped areas which will remain with a temporary clay cap for a period longer than twelve months iii) phased tree planting over restored areas to promote the nature conservation use of the site as early as possible iv) aftercare measures to ensure planting is successfully established.

Reason: To ensure the satisfactory restoration of the site.

#### **PROTECTION OF GEOLOGICAL FEATURE**

21. Within six months of the date of this permission, a scheme detailing the protection of an alternative site, or sites, of similar geological interest to the existing protected geological features within the landfill site, shall be submitted to the Waste Planning Authority for approval. This scheme shall be implemented prior to any works affecting the existing protected geological features.

Reason: To ensure the preservation of, and access to important geological features.

#### **ARCHAEOLOGY**

22. No development shall take place within that part of the proposed access track indicated by hatching on the attached plan, Ref. N.L. Arch 1, until an archaeological investigation has been carried out to establish the extent of surviving archaeological features. The information provided by the evaluation shall be used to develop a mitigation

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Tel: (01908) 691691 Fax: (01908) 252211 Hays DX 31406

strategy or indicate where further archaeological works will be required. The strategy for the works shall be submitted to and agreed by the Waste Planning Authority and shall be implemented prior to the commencement of any works within the area identified on the attached plan.

Reason: To ensure that archaeological matters are adequately considered pursuant to Planning Policy Guidance Note No 16, prior to construction of the access road.

### **PROTECTION OF FEATURES OF NATURE CONSERVATION IMPORTANCE**

23. Within twelve months of the date of this permission, a further ecological study shall be submitted to assess more fully the environmental impact of the development on nature conservation interests in and immediately adjacent to the site, including the Blue Lagoon, the open grassland between the Blue Lagoon and the site and the New Covert. The report shall also assess the potential for increasing the wildlife interest on the restored site, placing an emphasis on nature conservation rather than agriculture, and for linking landscape features and wildlife sites. The study shall include proposals to achieve the objectives. Following approval by the Waste Planning Authority, the proposals shall be implemented in phases, with the final phase being completed within 12 months of the restoration of the site.

Reason: To protect, as far as possible existing wildlife features and to enhance others to compensate for those lost as a result of the development.

### **PROTECTION OF AGRICULTURAL INTERESTS**

24. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silt or flooding and to make proper provision for all water entering, arising on or leaving the site during the permitted operations.

Reason: To ensure that adjoining agricultural land is not detrimentally affected.

25. Throughout the period of working, restoration and aftercare, the operator shall have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases" published by DEFRA

Reason: To ensure that the development is undertaken in a manner which ensures that the risk of spreading plant and animal diseases is minimised.

26. No soils shall be stripped from the site, except in accordance with a scheme for the removal, handling and replacement of soils which has first been approved by the Waste Planning Authority. The scheme shall include details of the type of machinery to be used. Thereafter, such movements shall only take place in accordance with the scheme or such modifications as may be approved in writing by the Waste Planning Authority.

Reason: To minimise damage to existing and restored soil reserves.

27. Plant or vehicle movements on the site shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Waste Planning Authority, or to the overburden/infill surface and shall not cross areas of topsoil or subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise damage to existing and restored soil resources.

28. The handling and movement of soils during both stripping and replacement operations shall only be carried out in suitable weather conditions and when soils are sufficiently dry and friable, to prevent compaction smearing and loss of structure.

Reason: To minimise damage to existing and restored soil resources.

29. Before operations take place on any undisturbed areas of the site, all available topsoil and subsoil shall be stripped from that area. Topsoil/subsoil stockpile locations and heights are to be agreed in advance with the Waste Planning Authority. For the purposes of this condition, operations shall be taken to include the movement of vehicles or machinery (except for the purpose of stripping the said area or stacking topsoil on the said area) the erection of buildings or plant, the stacking of subsoil, the stacking of soil making materials or overburden, use as a machinery dump or plant yard, the construction of roads and the laying of hardstandings.

Reason: To minimise damage to existing and restored soil resources.

30. Any topsoil shall be stripped to the full depth and shall be stored separately for subsequent replacement.

Reason: To minimise damage to the existing and restored soil resources.

31. When the subsoil is to be retained for use in the restoration process it shall be stripped to full depth and shall be stored separately for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

Reason: To preserve the existing soil resource.

32. All soil storage bunds intended to remain in situ for more than six months are to be grassed over and weed control and other necessary maintenance carried out to the

satisfaction of the Waste Planning Authority. The seed mixture and the application rates are to be agreed with the Waste Planning Authority in writing no less than one month before it is expected to complete the formation of the storage bunds.

Reason: To preserve the existing soil resource and prevent weed spread.

33. The restoration cap shall comprise 750 mm of soil or soil forming materials. Beneath areas to be covered by hedges or trees this shall be increased to 1.5 metres.

Reason: To facilitate the satisfactory restoration of the land.

34. Where it is intended to use imported soils or soil forming materials as agricultural soils, these shall either be placed directly on the area where they are to be utilised or stored in areas that have first been approved in writing by the Waste Planning Authority.

Reason: To maximise the use of available soil resources and to facilitate the satisfactory restoration of the land.

35. The ripping of soils, the addition of nutrients and the removal of stones and other deleterious material shall be carried out as required in accordance with the aftercare scheme to be agreed under condition 38 below.

Reason: To facilitate the satisfactory restoration of the land.

36. The applicant shall notify the Waste Planning Authority at least 5 working days in advance of the commencement of the placement of the restoration cap on each phase or part phase to allow a site inspection to take place.

Reason: To enable the Waste Planning Authority in consultation with DEFRA to monitor final restoration.

37. On any part of the site where differential settlement occurs during the restoration and aftercare period or beyond, the applicant, where required by the Waste Planning Authority shall fill the depression to the final settlement contours specified with suitable imported materials, to a specification to be agreed with the Waste Planning Authority.

Reason: To facilitate the acceptable subsequent agricultural use of the land.

38. An aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for the use of agriculture (or such alternative afteruse as may be approved in writing by the Waste Planning Authority) shall be submitted for the approval of the Waste Planning Authority not later than three months prior to the date on which it is first expected that the placement of the restoration cap shall take place on the first completed phase of the site. The submitted scheme shall provide an outline strategy in accordance with Annex 5 of MPG7 for the five year aftercare period. This shall specify

steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system (where necessary) and provide for an annual meeting between the applicants, the Waste Planning Authority and DEFRA. The scheme shall also provide for a detailed annual programme, in accordance with annex 5 of MPG7 to be submitted to the Waste Planning Authority not later than 2 months prior to the annual aftercare meeting.

Reason: To facilitate the subsequent agricultural or alternative afteruse of the land.

39. Unless the Waste Planning Authority, after consultation with DEFRA, agree in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the approved scheme.

Reason: To facilitate the acceptable subsequent agricultural or alternative afteruse of the land.

40. Unless otherwise approved in writing by the Waste Planning Authority, all landfill gas and leachate pipelines shall be buried beneath the surface of the restoration cap within 5 years of the placement of this.

Reason: To ensure that the gas control mechanism does not place avoidable constraints on long term agricultural interests.

Your attention is drawn to the attached notes



Date: 6<sup>th</sup> February 2002

*f*or HEAD OF PLANNING AND TRANSPORT  
For and on behalf of the Council