

A REVIEW OF THE ENCROACHMENT OF RESIDENTIAL DEVELOPMENTS ON WASTE MANAGEMENT FACILITIES IN ENGLAND

October 2024



CONTENTS

ESA FOREWORD	3
EXECUTIVE SUMMARY	4
1. Introduction and scope	5
2. A brief overview of the resources and waste management industry	7
3. The land use planning regime in respect of residential development close to resources and waste management facilities	11
4. The pollution control regime	14
5. Impacts of residential encroachment	17
6. Recommendations	24
APPENDICES	27
Appendix A – Wingmoor Farm East (WFE) Integrated Waste Management Facility	27
Appendix B – Bletchley Landfill	32
Appendix C – Cannock Waste Treatment and Transfer Station	37
Appendix D – Ford Waste Treatment Facility	42
Appendix E – Patteson Court Landfill, Redhill, Surrey	48
Appendix F – Bromborough Landfill Gas Management Compound	52
Appendix G – Foxyards Waste Recycling and Depot Facility	56

ESA FOREWORD

While the emphasis of planning reform in recent years has been predominately on meeting housing demand this should not be at the expense of delivering infrastructure vital for other parts of the economy, such as resource and waste management facilities.

The resource and waste management industry is investing in the services and infrastructure needed to achieve 65% recycling by 2035, decarbonise recycling and waste treatment by 2040 and support the roll out of simpler kerbside recycling and extended producer responsibility for packaging waste. The industry not only looks to the planning system to ensure sufficient waste management capacity is consented to allow waste management targets and national policy objectives to be delivered, but for consented facilities to operate at optimum efficiency.

However, over recent years residential areas (or sites allocated for residential development) have been encroaching on existing waste management facilities (or on land designated in local plans as sites suitable for waste management development). The proximity of housing (or similarly sensitive receptors) can place additional operational constraints on existing or new waste management development, and thus prove potentially detrimental to its economic role. This appears somewhat counter intuitive: householders rely on local waste management facilities to sort and recycle their waste, encroachment onto which would likely affect their ability to operate efficiently.

Of course, not all local authorities have a statutory waste planning function and this report therefore aims to raise awareness among decision makers of the needs of the waste industry in the hope that these can be balanced with meeting local housing demands. Our report aims to positively contribute to the debate and offers a number of practical recommendations for earlier and stronger communication with operators when housing is proposed in close proximity to a waste management facility. With appropriate design considerations factored into nearby housing development there is no reason why waste management facilities cannot co-exist with, and be 'good neighbours' to other, more sensitive developments.



Jacob Hayler
Executive Director
Environmental Services Association

EXECUTIVE SUMMARY

This report has been written in order to raise awareness of the potential adverse effects associated with the encroachment of residential development on facilities operated by the resource and waste management industry. Residential encroachment is the development of residential properties in close proximity to existing resource and waste management facilities. The residential properties may either be constructed following a grant of planning permission or following a change of use under permitted development or prior approval rights.

The objective of this report is to assist the decision makers for planning applications to understand the potential adverse effects and associated consequences for both the residents and the waste management operators when residential properties and waste management facilities are located in close proximity to one another.

Understanding the planning and policy context is important for framing the issues related to residential encroachment. It is hoped that an improved understanding of the aspects which need careful consideration will assist in the optimum implementation of land use planning and development decisions for the locations of the necessary resource and waste management infrastructure, as well as residential developments.

To illustrate the impacts which can arise as a result of the proximity between residents and resources and waste management

facilities, seven case studies have been provided by members of the Environmental Services Association which are presented in Appendices A-G to the review. These case studies represent a variety of waste management facilities in a range of local authority areas in England.

Recommended actions to minimise the potential for constraints on waste management operations and the potential for amenity impacts on residential developments are presented for each stage of the planning process. These include training for Planning Officers on the issues of siting of residential development and waste management facilities and communications; strengthening of waste facility safeguarding and weight given to issues arising from encroachment in the planning balance; better and consistent engagement/consultation between residential developers, waste operators and Planning Officers on residential applications and reserved matters; clear expectations from the outset of technical supporting statements for residential development and the carrying forward of any mitigation to the build out stage; suitable sign-off by building inspectors and enforcement for mitigation measures. In terms of public perception the recommendations are to raise public awareness of waste management operations and their controls, together with the formation of local liaison groups where not already established and to hold waste management facility open days.

1. Introduction and scope

1.1. MJCA are commissioned by the Environmental Services Association (ESA) to prepare a report to raise awareness of the potential adverse effects associated with the encroachment of residential development on facilities operated by the resource and waste management industry. The objective of this report is to assist the decision makers for planning applications to understand the potential adverse effects and associated consequences when residential properties and waste management facilities are located in close proximity to one another. These adverse consequences are detrimental to the residents, to the waste management operators, to the regulators of the facilities and to the effective implementation of national and local resource and waste management policies. It is hoped that an improved understanding of the potential issues will assist in the optimum implementation of land use planning and development decisions for the locations of the necessary resource and waste management infrastructure as well as residential properties.

1.2. The term residential encroachment is used in this report to refer to the development of residential properties in close proximity to resource and waste management facilities. The residential properties may either be constructed following a grant of planning permission or

following a change of use under permitted development or prior approval rights.

1.3. There are several high-profile examples of residential encroachment on resource and waste management facilities which have given rise to a wide range of adverse effects on both the operators of the facilities and the residents of the nearby developments themselves as well as the subsequent regulatory burdens. This has also resulted in negative public perception of the design and operation of resources and waste management facilities, which has broader negative implications for community understanding and acceptance of the future endeavours of the resources and waste management industry.

1.4. In many cases this public perception is misplaced and a broader understanding among decision makers and the public about the planning and pollution control regimes and how they interface would be beneficial to aid understanding and support practical, attainable placemaking. The principle of land use planning is to manage the competing locational needs for meeting housing requirements as well as other economic, social and environmental priorities, including the necessary local and strategic infrastructure to provide resources and waste management services to the public and businesses.

1.5. The report demonstrates that while operators can and do work to minimise impacts and accord with the conditions on their planning permissions and Environmental Permits there is the potential for emissions from resources and waste management facilities. For example operations may produce an odour despite not being in breach of the planning permission or Environmental Permit.

1.6. Members of the ESA have contributed case studies based on current operations which identify the consequences of residential encroachment. Representative case studies have been selected to inform the recommendations of the study and are presented in the appendices to this report.



2. A brief overview of the resources and waste management industry

2.1. Resource and waste management is the organised handling of waste materials from the point of their generation to their final recovery, reuse or disposal. The resource and waste management industry is regulated through two regulatory regimes, namely the land use planning process and the Environmental Permitting process. As is acknowledged in the Ministerial Foreword to the 'Our Waste, Our Resources: A Strategy For England' we rely on the Earth's raw materials to supply energy for homes, businesses and transport, the materials to build our housing and infrastructure but also the seeds, soil and water that are necessary to supply our food. As our consumption of these raw materials increases with increasing populations, we need to move to a more circular economy which keeps resources in use for longer through the reduction, re-use and recycling of products.

2.2. The resources and waste management industry delivers this aim through a network of facilities, many of which directly support Local Authority provision of the necessary services for the management and recovery of wastes generated at domestic properties. Whilst many resources and wastes can be recycled or recovered directly or to generate energy, there is a proportion of wastes that are not technically and economically recoverable and it is necessary to provide facilities to safely dispose of residues and non-recoverable wastes.



Types of resources and waste management facilities

2.3. The term 'waste management' covers the full spectrum of operations necessary to manage our waste and maximise recovery and reuse². Waste and resources management and recovery operations include a range of facilities as illustrated in Diagram 1 overleaf³.

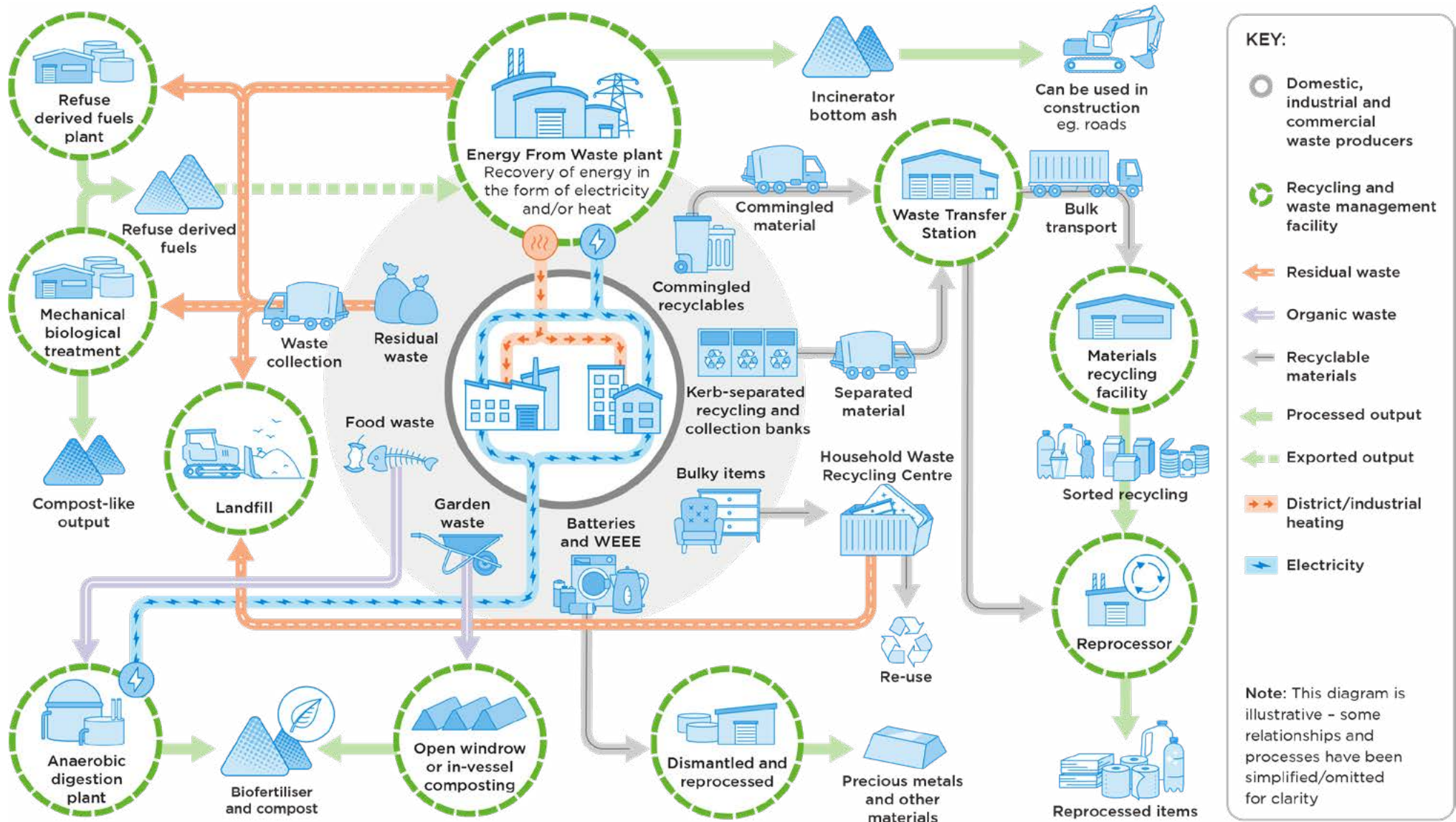
1 HM Government (2018) Our Waste, Our Resources: A Strategy For England.

2 Department for Environment Food and Rural Affairs (2021) Waste Management Plan for England.

3 Environmental Services Association (2023) How recycling and waste treatment works

<https://esauk.org/recycling-and-waste-management-in-the-uk/how-does-the-sector-work/> Accessed September 2024.

Diagram 1: Waste flow diagram



The authorities responsible for waste regulation

2.4. The majority of waste planning applications are dealt with by waste planning authorities. Waste planning authorities handle all the land use planning applications for resources and waste management facilities that do not fall into the Nationally Significant Infrastructure land use planning regime under the Planning Act 2008⁴ ⁵. In general the waste planning authority for an area is either the County Council (in two tier local authority areas), the Unitary or Metropolitan Authority or the National Park Authority⁶. In London the Greater London Authority may also be involved in the determination of waste planning applications. Waste planning authorities play an important role in:

- The locational planning of resources and waste facilities for the provision of management at all levels of the waste hierarchy (see paragraph 2.8 overleaf).
- The protection of human health and the environment.
- The principles of proximity (to where the waste arises) and self-sufficiency (of their authority area) for local facilities and for more strategic facilities where necessary.
- The production of Waste Local Plans and undertaking of inspections (of sites).
- Waste collections that are undertaken by the District or Borough Councils in a two tier local authority area.

2.5. The Environment Agency is the main regulator of waste management operations in England. The Environment Agency's responsibilities include:

- The determination of applications for Environmental Permits.
- The regulation of Environmental Permits including Environmental Permits for landfills and post closure management such as landfill gas.
- The registration of exemptions for low-risk waste treatment operations.
- The registration of waste carriers, brokers and dealers and carrying out site inspections and other compliance related activities.

2.6. Waste Planning Authorities determine the suitability of land use for resources and waste management purposes and the Environment Agency control the application and enforcement of the pollution control regime⁷. The two systems should run in parallel and as stated in Paragraph 194 of the National Planning Policy Framework⁸ (NPPF):

'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'

4 Ministry of Housing, Communities and Local Government (2015) Planning Practice Guidance for Waste, Paragraph: 003, Reference ID: 28-003-20141016.

5 Planning Act 2008 c.29.

6 Ministry of Housing, Communities and Local Government (2015) Planning Practice Guidance for Waste, Paragraph: 001, Reference ID: 28-001-20141016.

7 Department for Communities and Local Government (2014) National Planning Policy for Waste.

8 Ministry of Housing, Communities and Local Government (2023) National Planning Policy Framework.

Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

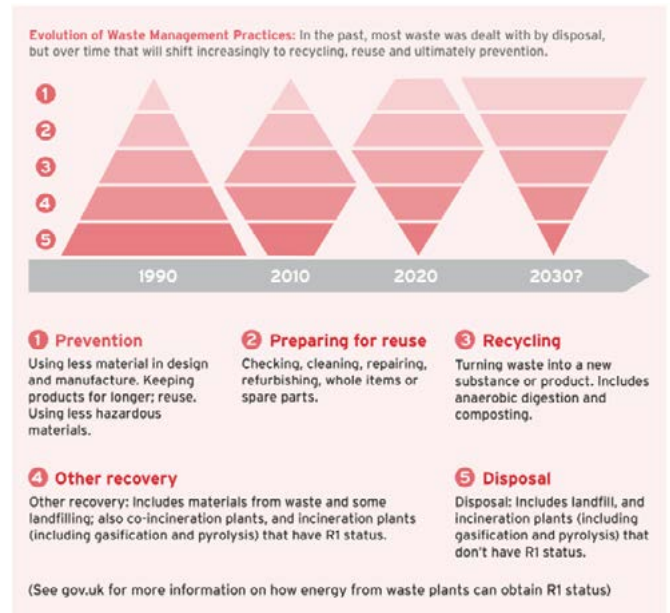
2.7. Paragraphs 24 to 27 of the NPPF state that there is also a clear duty for cooperation through effective and on-going joint working between strategic policy-making authorities and other relevant bodies such as the Environment Agency for the production of positively prepared and justified land use planning strategies.

Key principles that are used to plan for resources and waste management development

Waste hierarchy

2.8. When planning for waste priority is given to methods of waste management that are higher up the waste hierarchy. This moves waste up the hierarchy, improving resource efficiency and keeping products in circulation for longer in line with National Planning Policy for Waste (NPPW) and the 'Waste Management Plan for England' (Diagram 2). The NPPW states that in Local Plans waste planning authorities still need to consider that there will be a mix of types and scale of facilities and that waste disposal facilities should also be provided. There will be a continued need for disposal facilities despite waste moving up the hierarchy as there will be residual wastes for which disposal is the only option.

Diagram 2 The Waste Hierarchy⁹



Proximity principle

2.9. 'The principle of 'proximity' is set out in paragraph 4 of Part 1 of Schedule 1 to the Waste (England and Wales) Regulations 2011 (as amended). One of the objectives of waste management plans is to establish an integrated and adequate network of waste recovery and disposal installations. The network must enable waste to be recovered or disposed of in one of the nearest appropriate installations by means of the most appropriate methods and technologies to ensure a high level of protection for the environment and public health. It is recognised that the appropriate network must include local facilities as well as more strategic, specialist facilities that serve a wider area.

9 Department for Environment Food and Rural Affairs (2021) Waste Management Plan for England.

3. The land use planning regime in respect of residential development close to resources and waste management facilities

The role of waste planning authorities

3.1. The waste planning authority has two roles when it comes to protecting human health and the environment and determining the suitability of sites for the recovery of resources and the management of wastes:

- 1) To prepare Waste Local Plans with respect to a planning strategy for waste and resource recovery and management.
- 2) To consider individual planning applications for resources and waste management development.

3.2. As part of the preparation of Waste Local Plans, existing local and strategic facilities should be identified and suitable sites and areas for the provision of further resources and waste management facilities should be identified in appropriate locations. This includes a call for sites process where resources and waste management providers are asked to put forward sites for inclusion in the Waste Local Plan. Guidance emphasises the importance of waste planning authorities engaging and collaborating with local communities in an early and meaningful way. Effective engagement should be proactive¹⁰.

3.3. District or Borough planning authorities and unitary authorities are responsible for determining planning applications for housing developments. This results in an inherent tension between the roles of the bodies with different planning responsibilities. Integrated working between County, District or Borough planning authorities and unitary authorities is therefore critical to the preparation of Waste Local Plans and Local Plans. Once established, the allocation of suitable sites should be a fundamental consideration of any other non-waste site allocations in the Local Plan process and in the determination of development applications such as residential developments.

3.4. The NPPW states that in considering waste development applications the waste planning authority has the opportunity to consider the likely impact on the local environment and amenity and any locational implications raised by relevant health bodies. Locational criteria that the waste planning authorities should consider are set out in Appendix B of the NPPW and include:

- The protection of water quality and resources and flood risk management
- Land instability
- Landscape and visual impacts

¹⁰ Ministry of Housing, Communities and Local Government (2015) Planning Practice Guidance for Waste, Paragraph: 012, Reference ID: 28-012-20141016

- Nature conservation including potential impacts on protected areas and species
- Conserving the historic environment
- Traffic and access
- Air emissions, including dust
- Odours
- Vermin and birds
- Noise, light and vibration
- Litter
- Potential land use conflict

3.5. Importantly, the consideration of the criteria relating to air emissions and odours include the proximity of sensitive receptors and the extent to which the potential for adverse impacts can be controlled through the use of appropriate and well-maintained and managed equipment. The consideration of vermin and birds also includes proximity of sensitive receptors. When an application for planning permission is granted for a resources and waste management facility it results from the overall conclusion of the decision maker(s) that the waste facility is in an appropriate location and that the potential for significant impacts resulting from the development on the local area are acceptable.



The role of non-waste planning authorities

3.6. Paragraph 20 of the NPPF identifies that strategic policies should set out an overall strategy for the pattern, scale and design of places and make sufficient provision for infrastructure including waste management.

3.7. Although non-waste planning authorities do not carry the same planning functions in respect of waste as waste planning authorities, they still must:

'...have regard to national planning policy for waste and are expected to help deliver the Waste Hierarchy. This might include:

- *working constructively with waste planning authorities to identify and protect those sites needed for waste management facilities. Local planning authorities should consider the need for waste management alongside other spatial planning objectives ...*
- *considering, where relevant, the likely impact of proposed, non-waste related development on existing waste management sites and on sites and areas allocated for waste management¹¹.*

3.8. When the system is working as it was intended (i.e. a plan led system), local planning authorities and waste planning authorities should be in a constructive, cooperative relationship, identifying and protecting the sites needed for resources and waste management facilities with the need for these facilities considered alongside other spatial planning objectives (i.e. housing).

11 Ministry of Housing, Communities and Local Government (2015) Planning Practice Guidance for Waste, Paragraph: 010, Reference ID: 28-010-20141016.

3.9. Local Planning Authorities have a role to play in making sure that new housing development can be integrated effectively with existing established businesses (such as resources and waste management facilities). The agent of change principle is included in Paragraph 193 of the NPPF and states:

*'...Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility **could have a significant adverse effect** on new development (including changes of use) in its vicinity, **the applicant (or 'agent of change')** should be required to provide suitable mitigation before the development has been completed'.*

3.10. For non-waste planning decisions in proximity to resources and waste management facilities both the waste management operation and the amenities of any future residents should be taken into account in the planning balance: In Paragraph 180 of the NPPF it is stated that:

'Planning...decisions made should contribute to and enhance the natural and local environment by:

- *preventing new and existing development from contributing to, **being put at unacceptable risk from**, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'.*



4. The pollution control regime

The roles of the Environment Agency and waste facility operator

4.1. The Waste Management Plan for England sets out the system for waste regulation in England and states that the regulatory framework for the waste sector exists to protect the environment and human health and:

'...provide a level playing field for a market in which legitimate businesses can operate and invest with confidence ...'

4.2. The Environment Agency is the regulator of waste management in England. Its responsibilities include the determination of applications for Environmental Permits, the registration of exemptions for low-risk waste treatment processes, the registration of waste carriers, brokers and dealers and carrying out inspections/other compliance related activities.

4.3. The controls in an Environmental Permit are designed to protect human health and the environment from the operations and emissions of a waste facility. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level including aerial emissions and emissions to water¹².

4.4. As part of the permit application process, operators have to demonstrate that they will apply the relevant guidance for the design and control of the treatment and management processes. All appropriate measures set out in the guidance need to take account of relevant local factors.

The appropriate measures are intended to minimise the potential to cause significant pollution as a result of the proposed waste activity. The control measures to be applied for a specific activity at a specific location are determined as the site specific appropriate measures within the context of the relevant guidance.

4.5. To establish the extent of the effects of the development an environmental assessment of the waste activity as a whole is usually carried out. This helps to establish the performance and environmental priorities and demonstrates that the proposed control measures are effective in order to prevent or minimise the potential for significant pollution. Assessments that are undertaken relevant to amenity and residential encroachment may include (but are not limited to) aspects such as noise and odour. In terms of noise, the likely effects of the development are assessed, taking into account the local baseline at the time that the permit is applied for. For example, the Environment Agency may require a BS 4142 assessment for the noise impact assessment (NIA) and a noise management plan (NMP). These noise assessments will be in addition to any noise assessments included with the planning application for the facility.

4.6. Many of the operational control measures comprise management systems and procedures as well as the installation and effective implementation of engineering measures and emission control technology. Such procedures typically include Environmental Management Systems which identify (among other things) the resources

¹² Ministry of Housing Communities and Local Government (2015) Planning Practice Guidance for Waste, Paragraph: 051, Reference ID: 28-051-20141016.

and training needed to operate the facility effectively and management plans including Monitoring Plans, Dust and Emissions Management Plans, Odour Management Plans and Noise Management Plans. For certain waste management facilities, such as landfill sites, the plans remain in place following the closure of the landfill site and are regularly updated.

4.7. Once an Environmental Permit is issued, the resources and waste management facility must be operated in accordance with it to control the potential impacts of the activities in accordance with agreed parameters. The facility will also be subject to controls through the planning process. The Environment Agency holds the operator to account if a breach of a permit condition is identified including where thresholds set for emissions have been exceeded. The Environment Agency is responsible for enforcement action against operators should permit conditions be breached.

4.8. The noise guidance issued by the Environment Agency states that:

'...If your facility has not caused noise problems in the past, but your circumstances have changed (for example, if a new residential development is built closer to the site boundary) you may have to take action to prevent, or where that is not practicable minimise, actual or potential noise pollution.

If operational changes are required, the environment agencies will allow you a reasonable time to make them. Timeframes will depend on how serious the pollution is and how complex the proposed solution.

In some instances, the level of noise impacts may simply be unacceptable. If you cannot

resolve this quickly, you will normally have to stop, or reduce, operations until you can find a solution. Ultimately, the environment agencies have statutory powers to suspend or revoke permitted operations if necessary.

Sometimes (for example, when planning the location of a new building) there will be opportunities for measures to be taken which can deliver additional (noise reduction) benefits to society. You are expected and encouraged to take these opportunities, through effective management and control of noise¹³.'

4.9. As well as their role in permitting, the Environment Agency are a statutory consultee for planning applications for certain types of development including waste development¹⁴. In 2012 the Environment Agency published 'Guidance for development requiring planning permission and environmental permits' which provides useful indicative distances (in general 250m) within which more detailed assessments will be needed and further controls may be necessary to minimise impacts from the waste development. It is considered that particular attention is likely to be needed where waste developments are within 500m and certainly where they are within 200m of residential developments. In the same way, other developments, particularly for sensitive uses such as residential development, which are proposed within the same distance of an existing or consented resources and waste management facility, should also include detailed assessments to demonstrate that the proposed encroaching sensitive residential development can and will incorporate mitigation measures to mitigate any potential impacts from the existing waste development.

¹³ Environment Agency (2021) Guidance - Noise and vibration management: environmental permits.
Last updated 31 January 2022.

¹⁴ Environment Agency (2012) Guidance for developments requiring planning permission and environmental permits.

4.10. It is particularly important for consideration to be given to the effectiveness of control measures designed to minimise emissions of substances which can give rise to odour at very low concentrations. The concentrations of substances present at which people may experience or perceive an odour is subjective and can range in several orders of magnitude. It is recognised by the Environment Agency that, despite the implementation of control measures in accordance with the best practice, emissions of odours which may cause adverse impacts can arise. This is acknowledged in the standard Environmental Permit condition which states:

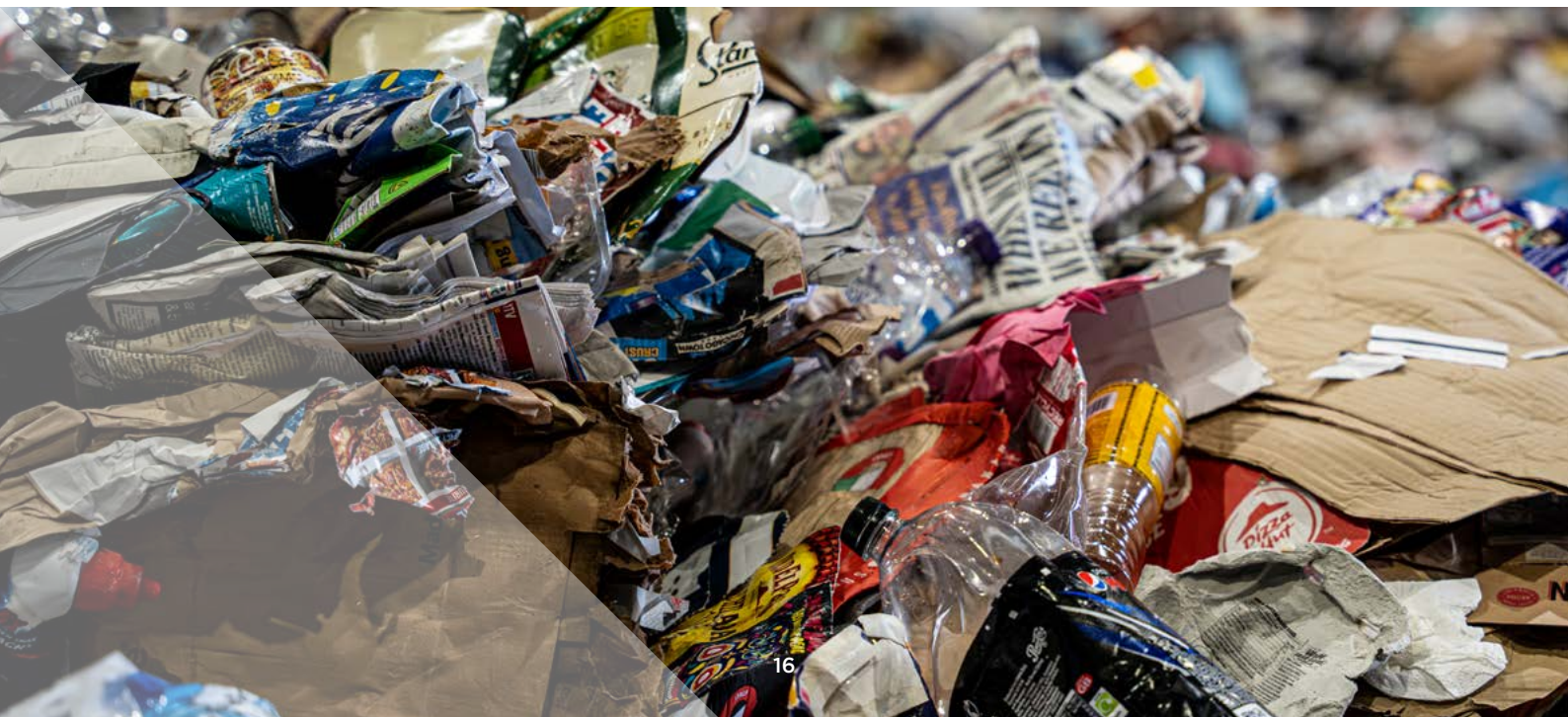
'3.3 Odour

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

3.3.2 The operator shall:

- a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;*
- b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.'*

4.11. This condition wording acknowledges that while appropriate measures can and should be implemented to minimise odour, even when these measures are implemented odour emissions can cause pollution outside the site without breaching the conditions of the Environmental Permit.



5. Impacts of residential encroachment

5.1. The encroachment of residential development on resources and waste management facilities ultimately has the potential to affect both the residents at the encroaching residential development and the ongoing current operation of the resources and waste management facility as well as restricting the ability of the facility to change some operations in response to future commercial or policy requirements. If appropriate separation is not provided between land uses there is the potential for an enhanced negative public perception of resources and waste management facilities and a desire for residents to seek to constrain or close the waste facility. As available land for various uses becomes scarcer, the potential for adverse effects on both residents and operators increases.

5.2. A summary of the types of issues that have been identified at resources and waste management facilities as a result of residential encroachment during interviews with waste management operators contacted through the Environmental Services Association is presented below. Further details for each of the cases studies are presented at Appendices A to G.

The potential impacts of waste developments on encroaching residential developments

Adverse amenity impacts are possible even if facilities are operated in accordance with their planning permission and Environmental Permit

5.3. It is the reality that even if:

- the planning and pollution control systems have been implemented as intended during the development of the design of the existing waste facility;
- the subsequent application for residential development has been determined taking into account the presence of a nearby resources and waste management facility; and
- the facility is operated in accordance with the planning permission and Environmental Permit;

there remains the potential for some negative amenity effects to be experienced by residents. The controls in planning permissions and Environmental Permits are designed to prevent or minimise emissions to within acceptable limits but it does not mean that there are no emissions i.e. there will be some noise from the operations and on occasions there can still be dust and odour associated with a development that is operating within all the controls specified in the consents. A level of some emissions from a resources and waste management facility are not judged as significantly adverse effects or as environmentally unacceptable and this has been recognised in some of the case studies presented.

5.4. Wingmoor Farm East (WFE) Integrated Waste Management Facility has been subject to residential encroachment by a housing development which is being constructed by Spitfire Homes (Appendix A). Planning permission for residential developments in close proximity to the existing WFE facility was refused on two occasions by Tewkesbury Borough Council. The refusals were in part on grounds that Gladman Developments Ltd (the land promoter) had failed to demonstrate that the proposed development would not be exposed to unacceptable risk from pollution as a result of the operations at WFE. A third application for residential development on the same parcel of land led to an appeal for non-determination of the application and the subsequent granting of permission on Appeal by a Planning Inspector. The Inspector approving the residential development identified in their report that the potential for moderate adverse odour impact at a commercial property and 26 dwellings for roughly 175 hours per year was 'significant' in Environmental Impact Assessment terms but did not equate to the 'substantial significance' necessary to override planning approval. In this example, it was acknowledged that it is possible that residents of the development will at times experience some degree of nuisance as a result of odour but to a level which is acceptable as judged by the Inspector. Whilst the Inspector recognised that there would be times when odour was possible this may not be accepted or understood by the residents of the development. It is also likely that these potential effects were not made known to them when they were considering the purchase or leasing of their properties.

5.5. Bletchley Landfill which has been consented and operating for many years, has been subject to encroachment by residential development (Appendix B). Residential development (the Newton Leys development) has been completed on a site allocated in the Local Plan¹⁵ in close proximity to the existing operational landfill. Following the commencement of the construction of the residential properties an application was submitted to extend the operational life of Bletchley Landfill site. This application was refused permission by the Planning Authority. As a result of waste policy changes designed to divert waste from landfill disposal, it is not uncommon for the assumptions used in the estimation of completion dates for operational landfill sites to be extended. This is usually as a direct consequence of reduced rates of waste being directed to landfill for final disposal. At the same time there is reducing availability of landfill void to provide final waste disposal in engineered containment cells for residues. Recycling and activities higher up the waste hierarchy produce residues which cannot be further recycled and for which landfill disposal is the only viable option. More recycling to meet higher recycling targets means the production of more residues. The remaining landfill void is therefore a valuable resource which should be safeguarded for use. In addition, landfill developments in extracted mineral voids, as is the case for Bletchley Landfill site, must be completed to fill the void and achieve a final profile which minimises the ingress of water in order to minimise the potential for groundwater pollution. It is rare for an alternative design to be environmentally acceptable for such landfill sites.

15 Milton Keynes Council (2018) Milton Keynes Waste Development Plan Document 2007-2026. Adopted February 2008.

5.6. It is reported that there were objections from the Newton Leys encroaching development on the basis of odour, the number of which increased with proximity to Bletchley Landfill site¹⁶. Evidence presented at an Appeal on behalf of FCC Environment Limited against the refusal of the extension in time permission showed that 34 odour assessments were undertaken between 2012 and 2021 by the Environment Agency and off site odours were detected by Environment Agency officers on five occasions. Only two of these instances were identified as minor breaches of the Environmental Permit (associated with landfill gas) with the others not judged as breaches of the permit. Remedial action was taken by the operator on these two occasions. With the exception of two occasions across nine years the landfill was operating in accordance with its planning permission and Environmental Permit. Despite this, the number of objections imply that residents felt that their amenity was being affected by the operations at the landfill site. The appeal was allowed and an extension in time was granted for the landfill.

The potential impact on operations at resources and waste management facilities

Time spent and cost for operators, Environmental Health Officers and the Environment Agency dealing with complaints

5.7. In instances where residents are experiencing negative amenity effects which they consider are as a result of the operation of nearby waste management facilities they will often complain either to the operator directly, to the Environmental Health Officer at the local planning authority or to the

Environment Agency. Complaints will be logged and investigated in line with the planning permission and/or Environmental Permit for the waste facility. As demonstrated in the Bletchley Landfill case study, not all complaints can be substantiated as to the source of the emission being the landfill site. Nuisance resulting, for example, from odours can occur due to other land uses in the vicinity of the waste management facilities, however, the presence of a nearby waste facility is very frequently assumed to be the source. There is a significant burden on resources from the need to investigate the complaints and determine whether the waste management facility or an alternative source is the cause of the negative amenity effects.

Impacts as a result of the encroaching residential development being built differently to the approved schemes submitted for outline planning permission which causes operational impacts for the waste management facility as well as risks of adverse impacts on the residents

5.8. Impacts on resource and waste management operators can be caused when mitigation proposed and agreed when outline planning permission is granted is not implemented when the residential development is constructed. This can be as a result of changes at the reserved matters approval stage with respect to aspects such as site layout or mitigation measures such as agreed specifications for glazing or acoustic fencing not being constructed by the residential developer.

¹⁶ Stephenson Halliday 'Distribution of objections (Newton Leys Detail)'.

5.9. In the case of Cannock Waste Treatment and Transfer Facility (Appendix C), outline planning permission was granted for 111 dwellings (Chenet Chase) immediately adjacent to the waste site which is consented for the treatment and transfer of non-hazardous and hazardous waste. The outline planning permission lists approved plans which show a degree of separation and planting between the dwellings and the waste site boundary. At the reserved matters approval stage, the separation and planting between the resources and waste management facility and the housing was removed by the developer. The changes that subsequently took place through the planning system resulted in severe consequences initially for the previous operator and later for Axil who bought the site. Considerable time was spent by the previous operator and Axil on liaison, attendance at meetings and raising of awareness of the dangers of residents being in such close proximity to storage bays for potentially flammable wastes. There was additional pressure from the local fire service¹⁷ which considered potential options to move the waste facility to a different (unspecified) location. This strategic waste facility was established and operational well before the granting of planning permission for the residential development. In this example, the dwellings which had been constructed nearest to the waste site boundary remained uninhabited until further extensive mitigation was implemented.

Development Plan context not always given weight in development decisions which results in adverse consequences for the operation of strategic waste facilities

5.10. In the case of Bletchley Landfill (Appendix B), despite local policy containing reference in supporting text to the fact that the lifetime of the landfill site would be likely to be extended, and despite the presence of the operating landfill site with significant remaining unfilled void when the development was granted planning permission, there was a consequent unreasonable and costly delay to the operator in obtaining permission to extend the life of the landfill in order to use the remaining strategic landfill void to its full potential. The initial refusal of the planning application and the necessity to go through the Appeal process cost the operator time and money that was not totally compensated by the award of costs that was granted when the Appeal was allowed. As explained above, this new, very close geographical relationship between housing and an operational landfill site is likely to result in the potential for real or perceived adverse impacts on the residents on occasion (such as noise, visual and odours) until the landfill is completed and restored.

17 Staffordshire Fire and Rescue Service (2017) Report of the Deputy Chief Fire Officer: Lakeside Boulevard ver5.

Resources and waste management sites where existing or future waste management operations have been curtailed by new nearby residential development

5.11. There are examples where the granting of residential development in close proximity to the resources and waste management development has curtailed future plans for waste sites such as the Ford Waste Treatment Facility (Appendix D) where, whilst the planning permission has been granted and implemented, only part of the facility has been constructed.

Public perception including on the wider image of the resources and waste management industry

5.12. In the case of the Cannock Waste Treatment and Transfer Facility (Appendix C) the operator of the waste management facility engaged with the planning process and advised the residential developer about the waste management operations at the site and requested that the residential developer included measures in the proposed development design and construction to protect the future residents. Despite this, the residential development has been built in close proximity to the waste management facility without the necessary protection and mitigation measures; as a consequence there was an unacceptable risk to the safety of residents, particularly due to the proximity of the flammable material storage bays to the residential properties. It was the operator themselves who raised public awareness of the need to address the risks to the residents of being in such close proximity to the waste site. Notwithstanding the order of events and

the facts of this case study, the inevitable result is that the overall view of the public is that the waste management industry does not operate to safe or environmentally acceptable standards.

Engagement with the Local Plan Process

5.13. As summarised in the Patteson Court Landfill case study at Appendix E, Biffa engaged with the Reigate and Banstead Development Management Plan process from the initial stages with regard to the allocation for residential development to the west of the existing Patteson Court Landfill site in Redhill. Concerns were raised by Biffa regarding the potential for adverse impacts on the living conditions of future residents of the proposed residential development even though it was acknowledged by the Inspector examining the plan that the landfill site is well controlled and managed. The Inspector agreed that it should be specified that operations at Patteson Court Landfill site should be substantially complete before residential development takes place (i.e. completion of waste disposal and capping operations) in order to safeguard the living conditions of future residential occupiers of the site. The site allocation also provides clarity on the expectations at the planning application stage including the environmental and technical assessments and mitigation measures which will be necessary to take account of the potential for environmental conflicts.

Active engagement during the determination process for applications for residential development

5.14. Good practice for cooperation and mutual recognition of the issues to be addressed is evident in the case of Elms Park residential development close to Wingmoor Farm East Integrated Waste Management Facility (Appendix A), Bromborough Landfill Gas Management Compound (Appendix F) and Foxyards Waste Recycling and Depot Facility (Appendix G). There was active engagement with the planning process by the waste facility operators and the engagement and co-operation of the residential developer has resulted in the situation at this stage where the needs of the resources and waste management facility and the needs of the residents are being appropriately addressed. Appropriate mitigation measures have been identified and discussed and it is understood by the waste companies that appropriate measures will be included in development proposals and in the consent conditions when the planning applications are determined.

Other issues

Changes to national waste policy and in particular the waste hierarchy principles causing longer lifetimes for waste sites

5.15. There has been in place for many years a national policy drive to move waste up the waste hierarchy by increasing recycling and recovery rates (as discussed in section 2 of this report). This increasing need for different forms of treatment and recovery results in an increasing number of transfer,

sorting, recovery and treatment facilities as identified in the diagram showing the evolution of the application of the waste hierarchy (see paragraph 2.8). In response to the Government policies, the waste industry has been increasing the recycling and recovery rates successfully which means that the volumes of residual wastes requiring final disposal are now falling. As a result of the volume of residual wastes falling, the rates of waste inputs to landfills have reduced. In the longer term it is likely that a number of landfill sites will need to extend the life of the landfilling operations to ensure that the available void is filled. This landfill void must be regarded as a resource whose use must be safeguarded in planning terms. In addition, the planning system must recognise that the numbers of resources and waste management facilities needed are likely to continue to increase and suitable space must be allocated for them in order that the sustainable waste management and circular economy policies can be implemented.

Insufficient weight given to concerns raised by the County Councils or the Environmental Health Officers

5.16. It is evident from the discussions held with waste management facility operators and in Appendix C that during the determination of applications for residential development sites in proximity to waste facilities that insufficient weight has been given to the concerns raised by the County Council Officers and local Environmental Health Officers by the District level Councils during the determination of the residential development applications.

Change in working practices of residents

5.17. Following the Covid pandemic working practices have changed. During conversations with operators it has been consistently observed that there has been an increase in complaints with respect to the impacts from existing operations starting from the period of the Covid lockdowns. In many cases the operations on the sites have not changed but complaints have increased. This could be as a result of individuals spending more time at their properties during the working day of the resources and waste management facility and as a result of changing work practices following Covid, namely working from home regularly.

Waste operators being requested to change operations on site due to complaints from encroaching residential development

5.18. During discussions with waste operators it is evident that there are a number of sites where the waste operators have been asked to change their working practices following complaints from residents in close proximity to the sites. Examples include being requested to start certain aspects of the waste operations such as glass tipping later than the times permitted in the planning permission for the facility. The waste facilities had pre-dated the residential developments. The potential for changing operations at waste management facilities is limited as many of the operations on site are constrained by external factors in addition to planning permission and Environmental Permit conditions. For example, many materials are transported to and managed on site in response to commercial and Local

Authority contract factors such as collection vehicles needing to complete their whole round (which may mean several visits to deposit material at the site) and return to the depot before the local schools start in order not to conflict with increased traffic. An operational change perceived as simple by nearby residents, such as changing the start times for operations, may not therefore be achievable given the operating circumstances considered as a whole.

Evolution of the operations at established waste sites being constrained

5.19. During discussions with waste facility operators there have been examples of where plans for changes in processes and facilities at existing waste management sites due to the evolution of the waste operations at the facility have been constrained. As a result, waste management operators have been unable to adapt or expand the operations at existing sites and/or where planning applications have been submitted for changes to existing facilities the amended waste management operations are restricted in impractical operational terms, such as the operational hours of sites or activities and vehicle delivery times, due to the proximity of residential receptors.

6. Recommendations

6.1. Based on the case studies presented in the report, our discussions with waste operators, and our experience in the resources and waste management industry, we present below recommendations that could provide benefits to both the resources and waste management industry and to the planning authorities in determining and controlling the necessary development and safeguarding of necessary waste facilities. The recommendations also provide the necessary protection to the occupants of residential developments that may be planned or constructed in close proximity to resources and waste management facilities. The recommendations are subdivided into their relevance in the sequential stages of the planning process: Development Plan stage, pre-application advice stage, planning application stage, reserved matters stage and development build-out. We also provide recommendations with reference to the provision of training and informing public perception of resources and waste management activities.

Training

- Provision of training to Planning Officers with respect to the implications of siting residential development in close proximity to resources and waste management facilities.
- Training regarding the benefits of communication between Planning Officers, resources and waste management facility operators and residential developers to collectively reach satisfactory solutions for all parties.

- Site visits to waste management facilities for Planning Officers and Planning Committee members to aid understanding of waste management operations.

Development Plan stage

- The provision of guidance on the importance of resources and waste management sites in the Development Plan, including consideration of having buffer distances around operational and planned future sites in which additional consultation needs to be undertaken with the resources and waste management operators and the Environment Agency when residential or other sensitive uses are proposed.
- Consider guidance giving stronger weight to safeguarding of resources and waste management facilities and locations which link to the proposals for consultation buffers set out above.

Pre-application advice stage

- Encourage developers of residential premises to engage with resources and waste management operators at an early stage so that appropriate design and mitigation can be incorporated at the initial design stage if the proposed residential development is within 500m¹⁸ of an existing or future resources and waste management facility which is allocated or safeguarded in the relevant Waste Local Plan or Local Plans.

¹⁸ 500m is considered to be an appropriate distance for consultation based on the collective experience of the waste management operators involved with this review.

- Encourage engagement between Planning Officers who are involved in the planning decisions for the residential development and for the resources and waste management facilities.
- Clearly identify the expectations for technical supporting assessments that need to be submitted with the planning application for residential developments if they are within 500m of an existing or future resources and waste management facility which is allocated or safeguarded in the Waste Local Plan.
- Extension of the Validation Checklist to include reference to and questions regarding the locations of nearby resource and waste management sites.

Planning application stage

- Ensure that the operators of resources and waste management facilities which are located in the vicinity of a proposed residential development site (within 500m) are routinely notified of residential applications even if the facility is not an immediate neighbour.
- Sufficient weight needs to be given in the determination of the planning balance to concerns raised by resources and waste management operators, County Councils, Environmental Health Officers and the Environment Agency with respect to the potential for impacts which may result from the encroachment of residential properties on resources and waste management facilities.

Reserved matters stage

- Ensure that any mitigation that was presented in the outline planning application is included in the detailed Master Planning drawings submitted and conditions are included in the permission to ensure the implementation of the mitigation measures. The timing of implementation relative to the build out may also need to be specified.
- Consultation on reserved matters should be undertaken with any operators of resources and waste management facilities within 500m of the residential development.
- If consultees requested specific mitigation was included in the outline planning permission these consultees should be reconsulted at the reserved matters stage to ensure that the mitigation proposed for incorporation into the residential development design is satisfactory.

Development build-out

- Ensure that all mitigation specified in the planning permission to protect the amenities of residents and the operations of the resources and waste management facility are constructed / installed prior to the occupation of homes associated with the development.
- Ensure that if internal mitigation measures are necessary, such as mechanical heat ventilation, that these are identified to the Building Inspector prior to the sign off from Building Control.

- Undertake appropriate enforcement where mitigation has not been implemented or the houses are occupied prior to the completion of the mitigation measures.

Public perception

- Raise public awareness of the planning system / environmental permitting system with respect to resources and waste management development and how the operations are controlled together with the nature of the practical limitations of some operational aspects.
- Resources and waste management operators and local authorities to consider active public engagement through a local liaison group (if not already established) and resources and waste management facility open days.

6.2. It is recommended that the findings of this report and the recommendations are discussed between the Members of the ESA together with the Planning Officers' Society together with input from the Environment Agency and the Ministry of Housing, Communities and Local Government in order to develop the recommendations into specific actions to be implemented to the benefit of all.



APPENDICES

Appendix A – Wingmoor Farm East (WFE) Integrated Waste Management Facility

An example where the operator has engaged with the plan-making and planning application process for more than one encroaching residential application

The waste management facility and the encroaching residential development are shown on Figure A.

Key facts

<p>ESA Member Name</p>	 Grundon Waste Management Ltd (Grundon).
<p>Type of waste facility</p>	Integrated Waste Management Facility comprising hazardous and non-hazardous landfill sites, clay extraction, a hazardous waste treatment plant, materials recovery facility (MRF), waste transfer station and an Anaerobic Digestion (AD) Plant.
<p>Commencement of operations at the site</p>	Wingmoor Farm was subject to mineral extraction in the 1960s. The first online record for waste uses was permitted in 1979.
<p>Local Authority</p>	Tewkesbury Borough Council (Local Planning Authority). Gloucestershire County Council (Waste Planning Authority).
<p>Allocated/safeguarded in the Waste Local Plan</p>	Core Policy WCS11 in the current Gloucestershire Waste Core Strategy and associated Minerals and Waste Policies Proposals Map [covering the period 2012 to 2027] safeguards existing and allocated sites for waste management use. Grundon have responded to the call for sites in the new emerging Gloucestershire Waste Core Strategy and Waste Local Plan requesting site allocation (publication version due early 2026).

Continued overleaf

<p>Site specific policies in the Waste Local Plan</p>	<p>Core Policy WCS6 of the adopted 2012 Waste Core Strategy. The Core Strategy allocates WFE (policy WCS6) as one of the five strategic sites in order to make provision for the capacity gap requirements for Municipal Solid Waste and Commercial and Industrial Waste.</p> <p>The AD plant area is specifically safeguarded under policy WCS6.</p>
<p>Closest residential property before residential encroachment</p>	<p>Single house opposite the site to the north.</p> <p>The next nearest properties were approximately 400m to the north east of the site.</p>
<p>Encroaching development</p>	<ol style="list-style-type: none"> 1) Spitfire Homes c.100m north at its closest point from WFE. 2) Bloor Homes c. 330m south west at its closest point from WFE.
<p>Residential site allocated in the Local Plan (Spitfire Homes)</p>	<ol style="list-style-type: none"> 1) Spitfire Homes: these properties were not allocated at the time that the development was permitted in November 2019. The Tewkesbury Borough Plan 2011-31 was at an early stage (consultation on preferred options was undertaken in October 2018 and a pre-submission version was approved by the Council for publication in July 2019). The plan was adopted in 2022. The site is not included as an allocated residential development in the adopted plan.
<p>Residential site allocated in the Local Plan (Bloor Homes)</p>	<ol style="list-style-type: none"> 2) Bloor Homes: The site is part of a strategic allocation for mixed use in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

Further background information on the residential developments

Spitfire Homes development

The applications for planning permission were submitted by Gladman Developments Ltd. The properties are being constructed by Spitfire Homes. In April 2016 and December 2016 two applications (references

15/00166/OUT and 16/00582/OUT) were refused for land to the north of WFE for 265 dwellings and A1 convenience retail store use of up to 200 square metres, with associated open space and landscaping. There was no engagement between Gladman Developments Ltd and Grundon prior to the submission of the initial application. In March 2018 a third application for development on this land was validated for up to 215

dwellings, up to 2.24 ha of commercial use (B1 and B2), up to 0.2 ha of retail uses (A1), with public open space, landscaping and sustainable urban drainage including associated works and two vehicular access points from Stoke Road. The third scheme (reference 18/00249/OUT) differed from the two previous applications by locating the commercial development in the south alongside the proposed retail use with the boundary of the proposed dwellings beyond this resulting in a stand-off distance of 160m from WFE. An appeal was submitted by the residential developer on grounds of non-determination and in November 2019 planning permission reference 18/00249/OUT was granted at appeal.

In all three cases Tewkesbury Borough Council stated that one of the reasons for refusal was that the applicant had failed to demonstrate that the proposed residential development would not be exposed to an unacceptable risk from pollution, in particular air quality issues arising from the nearby strategic WFE (including a landfill site for which the final phase was close to the northern boundary) which is safeguarded in the Waste Core Strategy. Potential impacts on air quality and the risk posed to the existing and future operations at WFE are referenced in the Council's Statement of Case for the appeal. In Appendix 1 of the Council's Statement of Case, concerns relating to amenity impacts on the residential development are listed from Bishops Cleeve Parish Council, Gloucestershire County Council, the Environmental Health Officer (specifically relating to future activities at the final phase (Cell 9B) of the landfill site), CPRE and Grundon.

The Inspector concluded that the odour assessment that was undertaken for the application was robust, conservative and odour impacts would not amount to a cogent reason to refuse planning permission as the potential for some adverse effects did not make the proposal unacceptable in policy terms. A proportion of the residential properties have been constructed and are inhabited.

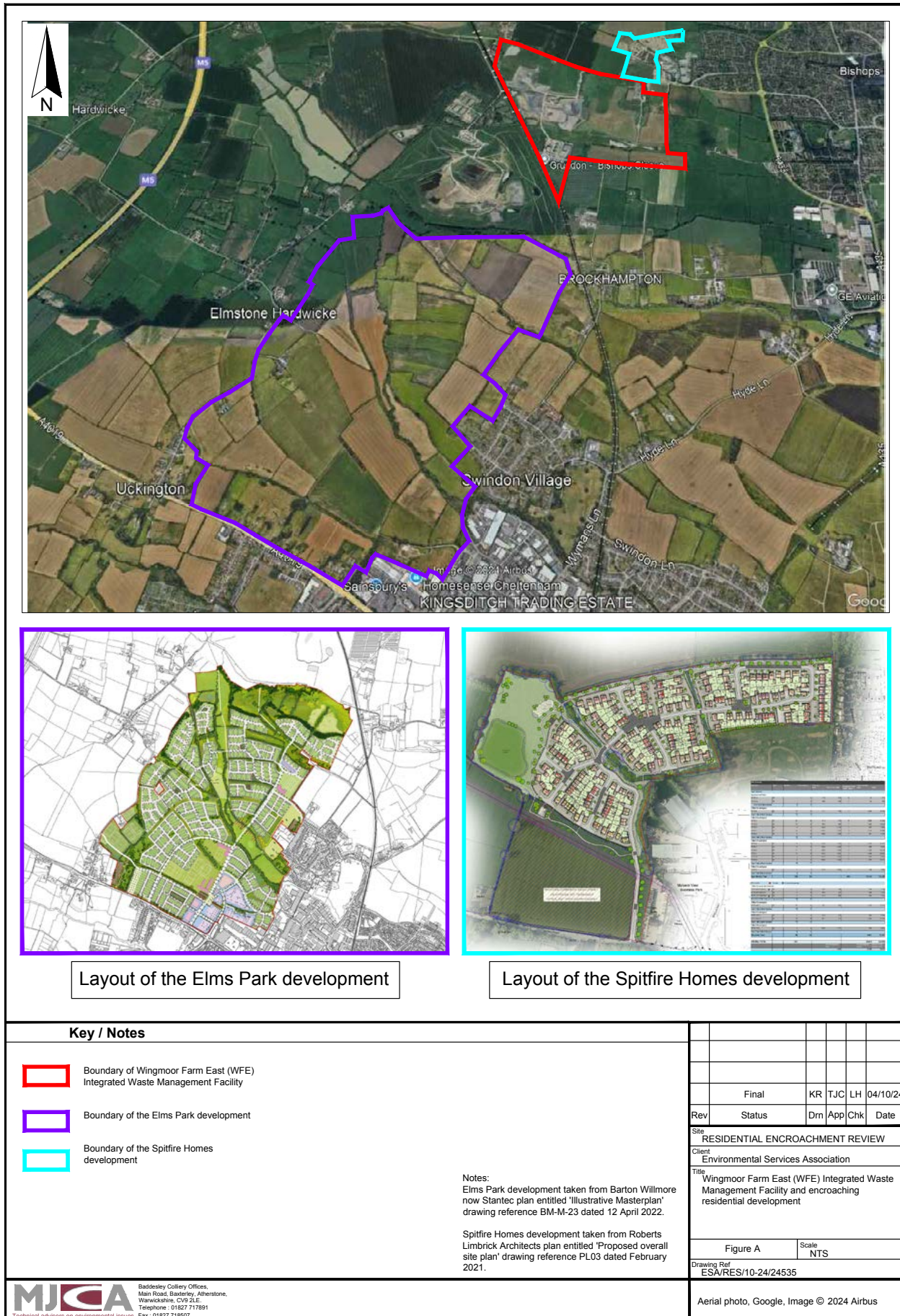
Bloor Homes development (Elms Park)

In 2016 a planning application (reference 16/02000/OUT) known as 'Elms Park' was submitted for outline planning permission including for up to 4115 new homes. The application has not yet been determined. Grundon has been in active engagement with the developer of the proposals and their concerns with respect to the potential for odour impacts from the new AD plant have been taken on board by the applicant in the determination process so far. This has included the submission of a revised odour assessment and the inclusion of a separation distance of at least 250m between the WFE site boundary and the nearest proposed residential properties.

Notable Issues

<p>1) Meaningful positive engagement in the planning application process for the mixed development (Elms Park)</p>	<p>Grundon actively engaged with applications for planning permission that had the potential to affect operations at WFE. In the case of Elms Park, the developer and operator have worked successfully to ensure that the needs of both the safeguarded waste facility and of potential future residents have been considered to a degree that the waste operator is content with. Although the application has not yet been determined, time will show whether this co-operation has ensured the successful resolution of issues for both the waste management facility and the future residents.</p>
<p>2) Adverse impact from odour does not always equate to unacceptable impacts on amenity</p>	<p>In the appeal decision for the Spitfire Homes development the Inspector concluded that Gloucestershire County Council was only concerned with the landfilling of Cell 9B in respect of odour and not the MRF. In this case the Inspector considered that the moderate adverse odour impact at a commercial property and 26 dwellings (for roughly 175 hours per year) was 'significant' in EIA terms but did not equate to the 'substantial significance' necessary to override planning approval. The Inspector referred to Grundon's reputation as a 'very reputable operator' and the lack of verified complaints to relevant regulators explaining that people would be less inclined to complain about odour if they are kept informed that it is the final phase of filling and that there is an end date. The view of the Inspector may not however match the view of the future residents.</p>
<p>3) Engagement with the plan-making process</p>	<p>Elms Park is an allocated strategic site in the JCS and Grundon are engaging actively in the plan making process for future district level plans. Representations have been made by Grundon in early 2024 to the Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan Issues and Options document and Housing and Economic Land Availability Assessment 'Call for Sites'. In their response Grundon emphasised that it is crucial that the existing waste facilities are safeguarded by 250m buffer zones to ensure future uses do not prejudice the ability of safeguarded sites to operate. Grundon also identified that long term management controls are necessary at a landfill site even after operations cease such as landfill gas collection and management and leachate collection and management. The issues and options consultation has now closed and feedback is being reviewed prior to the preparation of the next stage of the plan process.</p>

Figure A




Appendix B - Bletchley Landfill

An example where residential encroachment has had significant impacts on the operation of a waste management facility

The waste management site and the encroaching residential development are presented on Figure B.

Key facts

ESA Member Name	 FCC Environment
Type of waste facility	Bletchley Landfill Site. Non-hazardous waste landfill site.
Commencement of operations at the site	Previous filling of a former clay extraction that straddled the authority areas of Milton Keynes and Buckinghamshire was undertaken in accordance with two planning permissions granted in February 2002. The area in Buckinghamshire is now filled. The permission reference for the portion in Milton Keynes is MK/806/95.
Local Authority	Milton Keynes Council is a Unitary Authority exercising the functions of both a Local Planning Authority and a Waste Planning Authority.
Allocated/safeguarded in the Waste Local Plan	Policy WA1 of Milton Keynes Waste Development Plan Document 2007-2026 (WDPD). Bletchley Landfill Site is the reserve strategic waste site (for final treatment) if the Old Wolverton site does not come forward. Policy WA2 of the WDPD safeguards existing and allocated waste sites which includes Bletchley Landfill Site.
Site specific policies in the Waste Local Plan	Policy WA1 and Policy WA2 from the WDPD. The narrative for Policy WA2 states that <i>'The operators of the site predict that at current rates of fill the life of the site would need to be extended beyond the life of this document (2026)'</i> (page 34).

Continued overleaf

<p>Encroaching residential development</p>	<p>Taylor Wimpey: In 2005 outline planning permission was granted for mixed-use development comprising housing (up to 1650 dwellings), employment areas, shops, a combined school, community facilities, new park, playing fields, a hotel or leisure facility and associated infrastructure for foul and surface water drainage and other services including access roads and parking (reference 02/01337/OUT). An extension in time of the date for the submission of reserved matters for outline planning permission 02/01337/OUT was granted in 2016 (reference 13/00888/OUTEIS). A further 113 residential dwellings were granted permission in 2022 (reference 21/01620/FUL). Much of the site is now built and a large proportion of the houses are inhabited.</p>
<p>Residential development allocated in the Local Plan</p>	<p>Plan: MK 2016 – 2031, Policy SD8 (Newton Leys) Part A states that <i>‘The Council supports the principle of comprehensive development for this area including housing, employment, local shopping, recreation and community facilities. Employment uses include B2 and B8 uses related to the waste disposal and recycling operations on the waste management site.’</i></p> <p>Policy SD8 considers the adjacent landfill and states that development proposals shall include a buffer of at least 150m between the housing that is allocated for development and the active landfill area [note that this is not the boundary of the site].</p>

Further background information on the residential development

Taylor Wimpey (Newton Leys)

Planning conditions 12 and 20 of planning permission reference 13/00888/OUTEIS concerns the protection of amenity for residents. Condition 12 required the submission of further assessments for noise and pollution control to be submitted in set buffer zones (150m) before any development in these areas commenced and Condition 20 prohibited homes from being built within 50m of the landfill site.

The closest houses have been built approximately 50m from the boundary of Bletchley Landfill. Although planning permission has been granted for the Taylor Wimpey developments and the subsequent planning application included measures to be taken into consideration as mitigation such as no homes within 50m of the active landfill area, the proximity of the landfill to the residential development has had a negative impact on residents, the landfill operator, local planning representatives and regulators of the land uses. This was particularly evident when a planning application to extend the operational life

of Bletchley Landfill by 15 years to 2035 (planning permission reference 20/00678/FULMMA), as predicted as necessary in Policy WA2 from the WDPD, was refused by Milton Keynes Council (MKC) as the ‘... continuation of the existing operation...would be unacceptable in terms of negative impact

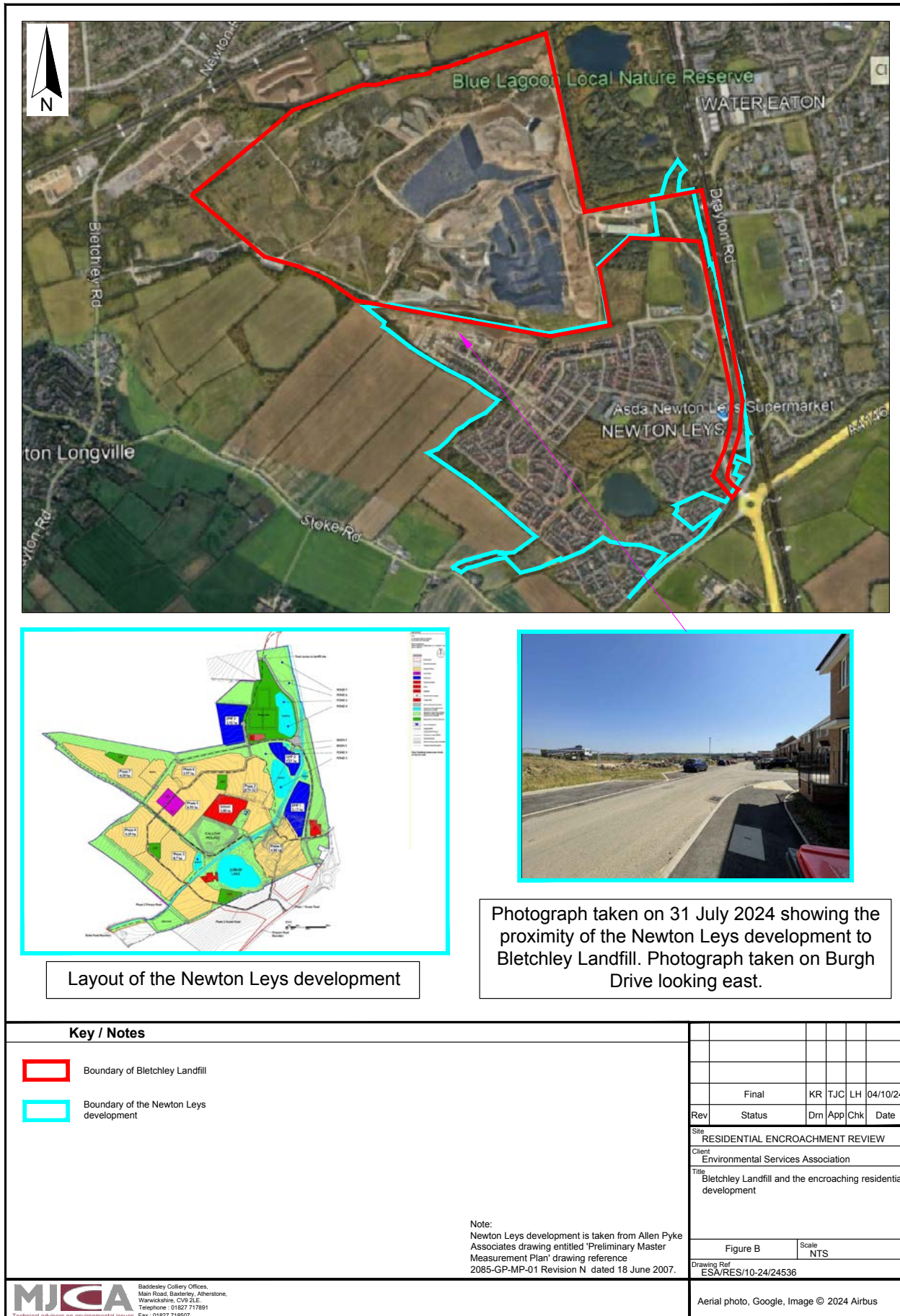
upon amenity of the local community in the longer term’. However planning permission for the extension in time was subsequently granted permission at appeal in December 2021 (planning permission reference APP/YO435/W/21/3271410) and a full award of costs was granted against the Council.

Notable issues

<p>1) Residential encroachment can cause impacts on the amenity of residents</p>	<p>Even if the pollution control systems for the landfill site have operated in the way that they are intended in the Environmental Permit, there remains the potential for some negative amenity effects to be experienced by residents such as odour or dust due to the incompatible nature of the different land uses. Accordingly permitting residential development in close proximity to waste facilities creates the circumstances where such incompatibility may occur.</p>
<p>2) Residential encroachment has time and cost implications for operators</p>	<p>Once residential development in close proximity to a waste management facility has been constructed and occupied there is frequently an increase in the numbers of complaints received. Any complaints made by the residents are investigated and responded to in line with the Environmental Management System required as part of the Environmental Permit for the waste management facility. The investigation of unjustified complaints has time and cost implications for the waste management operator. If operations at the waste management facility are determined to be the cause of the complaints, changes to operational processes and procedures can be implemented to address complaints, for example changing the location of odour suppressant sprays.</p> <p>In this case study, residential encroachment and postponement of public access to open space on the restored landfill site led to the refusal of a Section 73 application to extend the life of the landfill by 15 years which was later granted at appeal. Perversely, as public access could only be established as part of the restoration of the site which itself could only be carried out once the landfilling operations has been completed at the site, the refusal of the time extension itself meant that no public access could be achieved. This led to a delay in gaining permission for the extension sought and significant costs to the operator and the Council.</p>

<p>3) Residential encroachment has the potential to result in the loss of strategic waste facilities and landfill void</p>	<p>If the appeal had not been allowed it would have resulted in the loss of a significant strategic waste disposal site which accounted for around 25% of the remaining landfill void in the south east region at that time. If the landfill void has been lost it would have brought forward the forecast consumption of all remaining void in the south east by several years with no alternative treatment or disposal options to replace it.</p>
<p>4) Residential encroachment has the potential to result in environmental legacy problems if sites are not able to be restored according to their original restoration schemes</p>	<p>If the appeal had not been allowed there would have been significant environmental legacy problems created by not allowing a long term sustainable landform to be completed. The completion of filling of landfill sites located wholly or partly in excavated void to a raised, sloped profile above the original ground level is a necessary part of the pollution control measures to minimise risks to groundwater quality. Completion of the landfilling to a level below the surrounding ground would have resulted in long term surface water management problems, risks to slope stability and problems with the maintenance and operation of the environmental control infrastructure, all of which could equally have resulted in long term effects on the local amenity.</p>
<p>5) Residential encroachment has time and cost implications for local authority representatives and regulators</p>	<p>There is significant time and cost to the public sector associated with investigating complaints regarding waste management facilities. In the appeal decision it is stated that the Environment Agency (EA) undertook 34 odour assessments in 9 years and of these off-site odours were only detected by EA officers on five occasions. Only two of these instances were identified as minor breaches of the Permit (associated with landfill gas). Remedial action was taken by the operator. At the time of the appeal in July - October 2021 none of the small number of complaints to the EA since April 2021 had been substantiated.</p>

Figure B




Appendix C – Cannock Waste Treatment and Transfer Station

An example where a residential development changed through the planning process and further changes were necessary following construction of the properties

The locations of the waste management site and the encroaching residential development are presented on Figure C.

Key facts

<p>ESA Member Name</p>	 <p>Axil (acquired from a previous operator in 2018).</p>
<p>Type of waste facility</p>	<p>Hazardous waste treatment and transfer site.</p>
<p>Commencement of operations at the site</p>	<p>Waste treatment and transfer operations have been permitted at the Industrial Site off Walkmill Lane since the early 1990s.</p>
<p>Local Authority</p>	<p>Cannock Chase District Council (Local Planning Authority). Staffordshire County Council (Waste Planning Authority).</p>
<p>Allocated/safeguarded in the Waste Local Plan</p>	<p>Only three strategic waste facilities are safeguarded under Policy 2.4 of the Staffordshire and Stoke-On-Trent Joint Waste Local Plan 2010 - 2026.</p> <p>Under Policy 2.5 of Staffordshire and Stoke-On-Trent Joint Waste Local Plan 2010 - 2026 it is stated that the Waste Planning Authority will not support proposals for non-waste related development on or in the vicinity of all permitted waste management facilities, as listed in the Schedule in Appendix 5 of the Waste Local Plan which unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility or restrict the future expansion and environmental improvement of existing operational waste management facilities. The Cannock Waste Treatment and Transfer Station is listed in Appendix 5.</p>
<p>Site specific policies in the Waste Local Plan</p>	<p>None.</p>

Continued overleaf

<p>Encroaching residential development</p>	<p>29 March 2016: Planning permission reference CH/13/0323 (submitted by Project AML) (outline application, all matters reserved). Erection of 111 dwellings, public house/restaurant and provision of public open space.</p> <p>29 June 2016: Planning permission reference CH/16/124 (submitted by Galliford Try who acquired the site from Project AML). Reserved matters. Erection of 111 dwellings with associated parking, landscaping and provision of public open space (reserved matters comprising access, appearance, landscaping and layout to outline planning permission CH/13/0323).</p> <p>23 July 2018: Planning permission reference CH/13/0323/A Discharge of conditions 4, 5, 7, 8, 9, 10, 11, 12, 13 &14 for outline planning permission CH/13/0323. Part approval of conditions only.</p> <p>March 2020: Planning permission reference CH/20/090. Changes to the design to provide more protection to residents located closest to the waste facility.</p>
<p>Residential development allocated in the Local Plan</p>	<p>The residential development is not allocated in the Cannock Chase Local Plan 2014. The area of the residential development is not allocated under any policy in the Cannock Chase Local Plan 2014.</p>

Further background information on the residential development

Outline permission was granted for a mixed use scheme (Chenet Chase) (planning permission reference CH/13/0323) for land adjacent to the north and north east of Cannock Waste Treatment and Transfer Station. The layout details of residential properties closest to the Cannock Waste Treatment and Transfer Station changed between the initial granting of the outline scheme and the detailed permission being granted (reference CH/16/124) (Figure C). The original outline decision (reference CH/13/0323) lists ‘Illustrative Masterplan 2 Rev – D’ as an approved plan which

includes a degree of separation and planting between the residences and the waste site boundary. The layout plan under the detailed permission included residential properties closer and immediately adjacent to the waste management facility. The layout approved under planning permission reference CH/16/124 has been constructed.

The previous operator and Axil following the site purchase, objected to the residential properties in close proximity to the waste management facility. Following the grant of planning permission for the residential development in 2016 meetings were held between 2017 and 2019 for key stakeholders (Walsall Housing Group, the previous operator/ Axil, Staffordshire Fire and Rescue

Service, Galliford Try, Environment Agency and Cannock Chase Council Planning and Environmental Health) due to the potential safety risk to the residents of the properties as a result of the continuing operations at the Cannock Waste Treatment and Transfer Station.

All nominations from the Council for tenants for the housing in close proximity to the Cannock Waste Treatment and Transfer Station were suspended while the meetings were ongoing regarding the resolution of the public safety concerns. At a Cabinet Meeting on 13 June 2019 it was agreed that further mitigation was necessary to reduce the risk of a serious incident affecting

the properties in close proximity to the Cannock Waste Treatment and Transfer Station. This included the fitting of water sprinklers to homes, the removal of car parking spaces on the boundary of the waste facility and the erection of a heatshield fence along the boundary between the sites. Planning permission was necessary for some of the mitigation measures set out above. It was agreed at the meeting that the nominations for the housing would come forward once the mitigation works were completed. The properties remained vacant for approximately 2.5 years following construction as a result of the safety concerns and the time taken to resolve them.

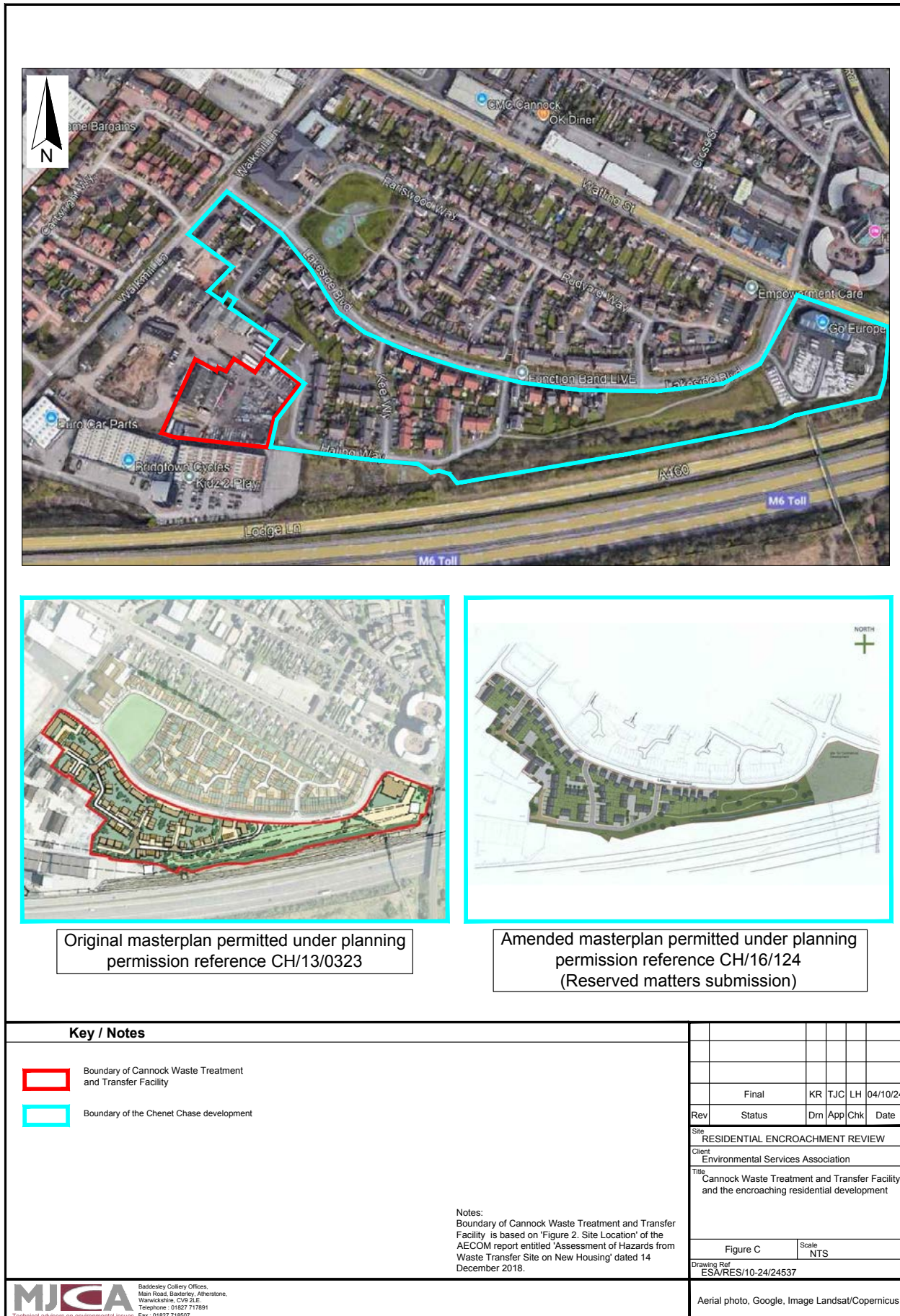
Notable issues

<p>1) Objections to the residential proposal were not given sufficient weight in the planning process</p>	<p>Those that opposed the residential development included the operator at the time, Staffordshire County Council and the Cannock Chase District Council (CCDC) Environmental Health Officer.</p>
<p>2) Transparency of information at the time of the granting of the planning application</p>	<p>The Environment Agency response was not reproduced in the Planning Officer’s report to committee but a subsequent disclosure showed that the Environment Agency indicated that the Fire and Rescue Service / Health and Safety Executive should be contacted due to the proximity of residential end uses to the storage of flammable solvents.</p>
<p>3) Weight attributed to different planning issues</p>	<p>A heavy weight was attributed by the committee to the offer of 50% social housing rather than the normal 20%.</p>

Continued overleaf

4) Changes made to the development proposals from initial discussions and outline permission being granted through to the reserved matters stage	There were changes to the site design between the outline application stage and the reserved matters stage. The originally approved landscape buffer would have provided some separation between the waste management facility and the housing. Reserved matters were addressed and a Design and Access Statement was submitted in which the landscape buffer had been removed.
5) Decisions made in the planning process led to further delay to potential occupants of the housing development	Further protection measures for residents were agreed on the boundary of the waste management facility following construction of the properties and were subject to a separate planning application. There was a significant delay to the occupation of the houses closest to the waste management facility due to these ongoing discussions.

Figure C




Appendix D – Ford Waste Treatment Facility

An example where an application for a residential development curtails future waste operations at a nearby consented waste management facility

The waste management facility and the encroaching residential development are shown on Figure D.

Key facts

ESA Member Name	 Grundon Waste Management Ltd (Grundon).
Type of waste facility	Waste Treatment Facility including a Reception and Pre-Treatment Facility/Materials Recovery Facility (MRF). Waste transfer operations have commenced at the Ford site and include the handling of residual waste. The permission also provides for the construction of a thermal treatment facility with energy recovery using gasification technology which has not yet been constructed.
Commencement of operations at the site	Ford Waste Treatment Facility was granted permission in 2015 (planning permission reference WSCC/096/13/F).
Local Authority	Arun District Council (Local Planning Authority). West Sussex County Council (Waste Planning Authority).
Allocated/safeguarded in the Waste Local Plan	Strategic Waste Allocation for transfer, recycling and recovery capacity (Policy W10a) and safeguarded waste management site (Policy W2) in the Waste Local Plan. There is a general presumption against any development which may harm or prejudice the operation of existing and allocated waste facilities and infrastructure (Policy WM DM1) in the Arun Local Plan 2011-2031.
Site specific policies in the Waste Local Plan	As above.
Closest residential property before residential encroachment	Approximately 150m (ENE). Approximately 380m (SW).

Continued overleaf

<p>Encroaching residential development</p>	<p>Redrow Homes: In July 2023 outline permission (reference F/4/20/OUT) was granted for a large mixed use development scheme including the development of up to 1500 dwellings.</p> <p>Illustrative masterplan version W shows the proposed dwellings approximately 120m from the site boundary to the west and 60m to the north. The residential site has not yet been built.</p>
<p>Residential development allocated in the Local Plan</p>	<p>Ford Airfield is a strategic housing site in both the Arun District Local Plan SD8: Ford (Policy HSP1) and Ford Parish Neighbourhood Plan.</p>

Further background information on the residential development

Redrow Homes (The Landings)

In July 2023 planning permission reference F/4/20/OUT was granted for a large mixed use development scheme including the development of up to 1500 dwellings. Several consultees raised objections to the planning application in addition to Grundon including WSCC Minerals & Waste, Southern Water and the Arun District Council Environmental Health Officer. Relevant to residential encroachment, issues regarding the ‘agent of change’ and prejudicing efficient operations together with odour and noise were raised as summarised below.

‘Agent of change’

Grundon and West Sussex County Council raised the issue of impact on operations of an existing waste facility and that operations should not be prejudiced by new development. As the ‘agent of change’ the residential developer should bear the cost of any mitigation needed to offset issues arising from the operation of the permitted waste treatment facility. An example of the impacts on the waste facility operator

is a planning condition for the waste site which states that noise emissions must be controlled such that a level of 35dB is not exceeded at the nearest residential receptor. At the time the permission was granted, no nearby residential properties existed. It would be very difficult if not impossible for the waste facility operator to meet this condition following approval of the residential application which will introduce properties much closer to the site.

Odour: An odour assessment was undertaken for the residential development application but addressed odour relating to Ford wastewater treatment works only. No odour mitigation was proposed for the development in respect of the Ford Waste Treatment Facility due to the assumption that there is ‘no odour arising’ from the site. In response to consultation submissions an independent review on odour was subsequently undertaken by Phlorum on behalf of the Local Planning Authority. This concluded that in their view the assessment approach adopted by the applicant for the housing development was reasonable and appropriate for the presence of the Ford Waste Treatment Facility, given that highly sensitive residential uses will be

located at least 100m from the facility’s boundary, upwind of the prevailing wind direction, and that more than three surveys were undertaken downwind of the facility which detected no odour associated with the facility. Phlorum also noted that the Environmental Permit states that activities shall be free from odour at levels likely to cause pollution outside the site.

In the Masterplan for the residential site, the Ford Waste Treatment Facility is one of the potential noise sources identified. Details of the noise mitigation proposed as part of the scheme is presented in the table below. Permission for the residential development was subsequently granted and included conditions in particular relating to mitigation from nearby noise sources:

Application Ref: F/4/20/OUT (outline application for mixed use development):

Condition 25

Notwithstanding the Land Use and Density Parameter Plan (RG-M-123 Rev. L), any reserved matters application shall include a scheme setting out details of noise sources and proposed mitigation relevant to that application, to be secured as part of that reserved matters consent and where relevant to be in broad accordance with section 4 of the Waste Infrastructure Statement and to include details of:

- The buffer zone between acoustic source and residential dwellings (including care home);
- The acoustic barriers around the edge of Ford Industrial Estate;
- Location of gardens so as to not face the noise sources; and
- Orientation of dwellings so that no habitable rooms are directly facing noise source.

Reason:

In the interests of residential amenity and to safeguard the continued use of existing and allocated waste management facilities and infrastructure in accordance with Policies QE SP1, QE DM1 and WM DM1 of the Arun Local Plan 2011-2031 and W2 and W10 of the Waste Local Plan.

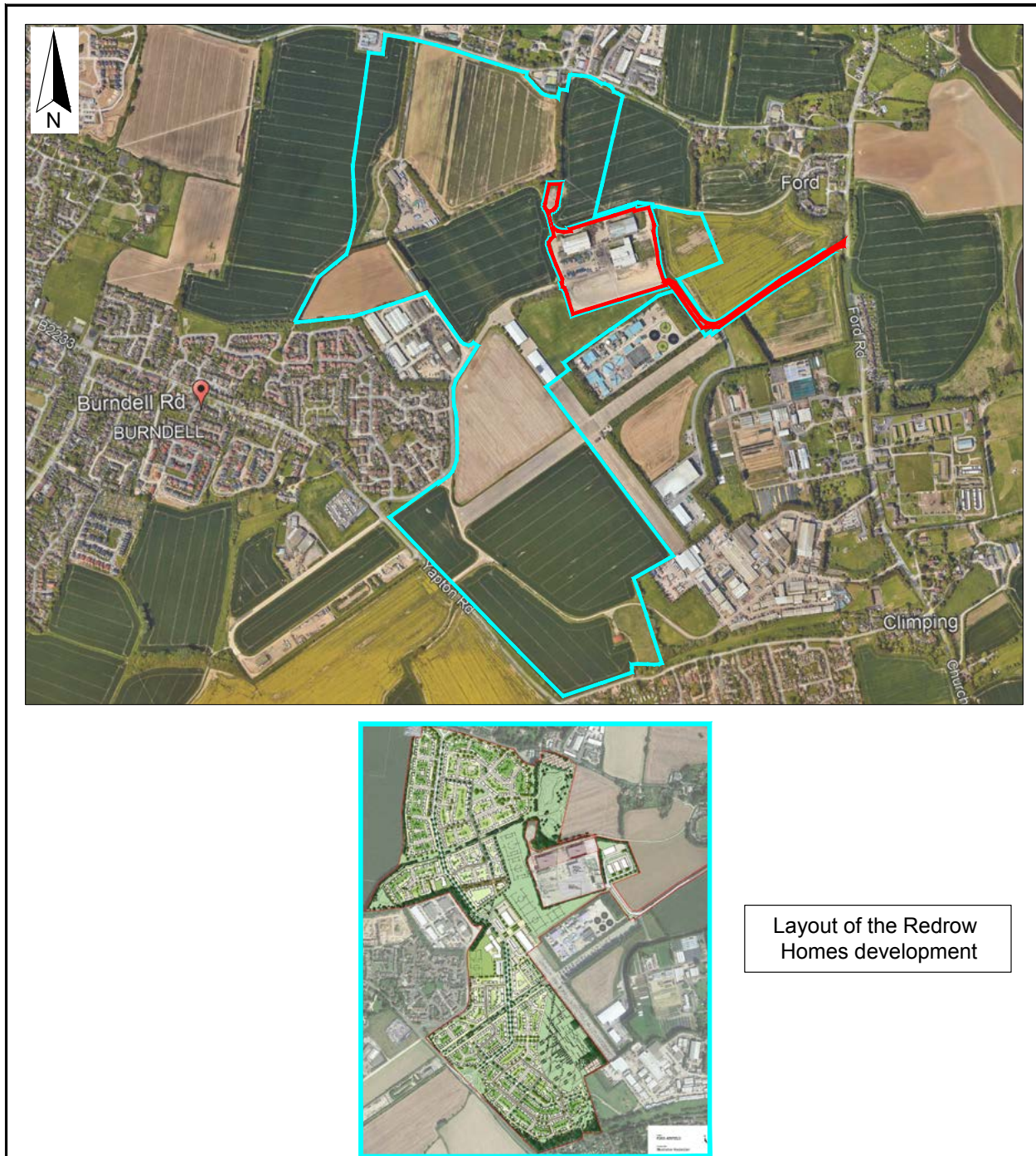
Notable issues

<p>1) Engagement with the planning process</p>	<p>Grundon have engaged actively with the applicant for the residential development and their planning advisor for several years, participating in various consultation events and workshops during the Ford Neighbourhood Plan process. Throughout the plan-making process Grundon ensured that the developer was fully aware of current and future waste operations at the Ford site. Grundon emphasised the need for significant buffer zones between the Ford site operations (both existing and in the future when the planning permission is fully implemented) and any proposed residential or other sensitive uses. These considerations were informally agreed to during the consultation process. A condition regarding noise mitigation was included in the residential planning permission and a condition was included in the residential planning permission with respect to odour for sensitive receptors within 300m of the Activated Sludge Plant.</p>
<p>2) Unimplemented permitted operations and future operations</p>	<p>The residential developer acknowledged current and future waste operations at the Ford site in their Masterplan document (dated July 2021) and made reference to engagement with Grundon (page 25). However, the Masterplan concludes that there will be minimal noise, odour and transport impacts on the residents in accordance with the current consent. Grundon expressed concern that assumptions on odour were based on the Environmental Permit for a partially implemented permission which is not yet operating at maximum permitted levels and is not reflective of sensitive receptors being closer to the site boundary. An independent review subsequently undertaken suggested that the approach taken by the applicant with respect to odour was reasonable and appropriate. Concerns were raised by Grundon prior to the determination of the residential application that the future operations at the Ford Waste Treatment Facility were not adequately assessed during the determination of the residential application.</p>

Continued overleaf

3) New development as the ‘agent of change’ to existing operations	Grundon also objected under the ‘agent of change’ principle with concerns surrounding the impacts of the residential use application on the continued operation of the waste site and the residential applicant being responsible for the management of that change. The Officer’s Report acknowledges this (with regard to odour in particular) but refers to the independent review and concludes that the proposed residential development will not have an adverse impact on the operation of the waste treatment facility.
4) Residential encroachment curtailing plans	Grundon have future development plans to maximise the use of the Ford Waste Treatment Facility to support national waste management policies which now may not be developable due to the recent introduction of a considerable number of sensitive receptors in close proximity to the Ford Waste Treatment Facility. Furthermore, currently the existing planning permission for the Ford Waste Treatment Facility has only been partially implemented as the gasification facility on the site has not yet been constructed.

Figure D



Layout of the Redrow Homes development


Key / Notes							
	Boundary of Ford Waste Treatment Facility						
	Boundary of the Redrow Homes development						
<p>Note: Redrow Homes development taken from Barton Willmore drawing entitled 'Illustrative Masterplan' drawing reference RG-M-78 dated 31 May 2019.</p>							
		Final	KR	TJC	LH	04/10/24	
		Rev	Status	Drn	App	Chk	Date
		Site RESIDENTIAL ENCROACHMENT REVIEW					
		Client Environmental Services Association					
		Title Ford Waste Treatment Facility and the encroaching residential development					
		Figure D	Scale NTS				
		Drawing Ref ESA/RES/10-24/24538					
<p>Buddesley Colliery Offices, Main Road, Buddesley, Atherstone, Warwickshire. CV9 2LE Telephone : 01827 717891 Fax : 01827 718507</p>		Aerial photo, Google, Data SIO, NOAA, U.S.Navy, GEBCO Image Landsat/Copernicus					

Appendix E - Patteson Court Landfill, Redhill, Surrey

An example where engagement has led to the successful delay of an application for encroaching development until landfilling operations are substantially complete

The waste management facility and the encroaching residential development are shown on Figure E.

Key facts

ESA Member Name	 Biffa Waste Services Ltd.
Type of waste facility	Patteson Court Landfill, Redhill, Surrey.
Commencement of operations at the site	Landfilling at Patteson Court Landfill commenced in the late 1980s following the grant of planning permission reference RE86/919 for landfilling of the site with a range of wastes, including household and commercial and industrial waste with restoration to agriculture or forestry. Since then, there have been associated permissions granted including for a soil recycling facility (planning permission reference RE07/0786) and an extension in time for landfilling to 2030 due to changes in policy around landfill engineering leading to the development of the site as a containment facility rather than disperse and attenuate and resulting in the availability of significantly more void capacity for waste disposal (planning permission reference RE07/0791).
Local Authority	Reigate and Banstead Borough Council (Local Planning Authority). Surrey County Council (Waste Planning Authority).
Allocated/safeguarded in the Waste Local Plan	Patteson Court Landfill is not an allocated site for waste development in the Surrey Waste Local Plan. Sites in existing waste uses are safeguarded under Policy 7 of the Surrey Waste Local Plan 2020.
Site specific policies in the Waste Local Plan	None.

Continued overleaf

Closest residential property before residential encroachment	Properties on Nutfield Road. Approximately 35m south of the site.
Encroaching residential development	Land west of Copyhold Works and former Copyhold Works. The development has not yet proceeded to the planning application stage.
Residential development allocated in the Local Plan	Allocated in the Reigate and Banstead Development Management Plan for approximately 230 dwellings including 53 units of retirement accommodation; three traveller pitches and an area of 1.5 hectares for a primary school (Policy ERM2/3).

Further details of the process

During the examination of the Reigate & Banstead Local Plan Development Management Plan the Inspector took into account the odour impact assessment, noise assessment, terms of the Environmental Permit and the views of the Waste Planning Authority with respect to Patteson Court Landfill. The Inspector was not persuaded by current evidence that the allocation was

suitable for housing now and stated that she considered it justified that the operations of the landfill site should be substantially complete before the housing development takes place in order to safeguard the living conditions of future residential occupiers of the residential development. The requirements of the policy relevant to impacts on residential encroachment for the allocation are provided below.

Policy ERM 2/3 (Reigate & Banstead Local Plan Development Management Plan)

‘Development will be subject to the following requirements and considerations:

...Design and mitigation measures to address environmental health impacts associated with the adjoining landfill and to ensure an acceptable residential amenity, including but not limited to, an appropriate buffer zone to the adjoining landfill and maintaining appropriate access to boreholes...

Appropriate phasing of the delivery of homes on the site in order to minimise potential conflicts with any ongoing or future waste operations and site restoration works.’

The justification for the policy indicates that ‘substantially complete’ (in the words of the inspector) shall be taken to be the date at which the disposal of non-hazardous and hazardous waste materials (with the exception of those materials that meet the relevant restoration criteria) is completed in accordance with the details approved through the applicable planning permission(s) and Environmental Permit, including completion of all capping activities.

The justification further states that ‘Any planning application, should demonstrate that the development of the site would not compromise the effective operation of the Patteson Court Landfill and that it would achieve an acceptable residential environment’. Particular reference to traffic and environmental health impacts including noise and odour is made and the need

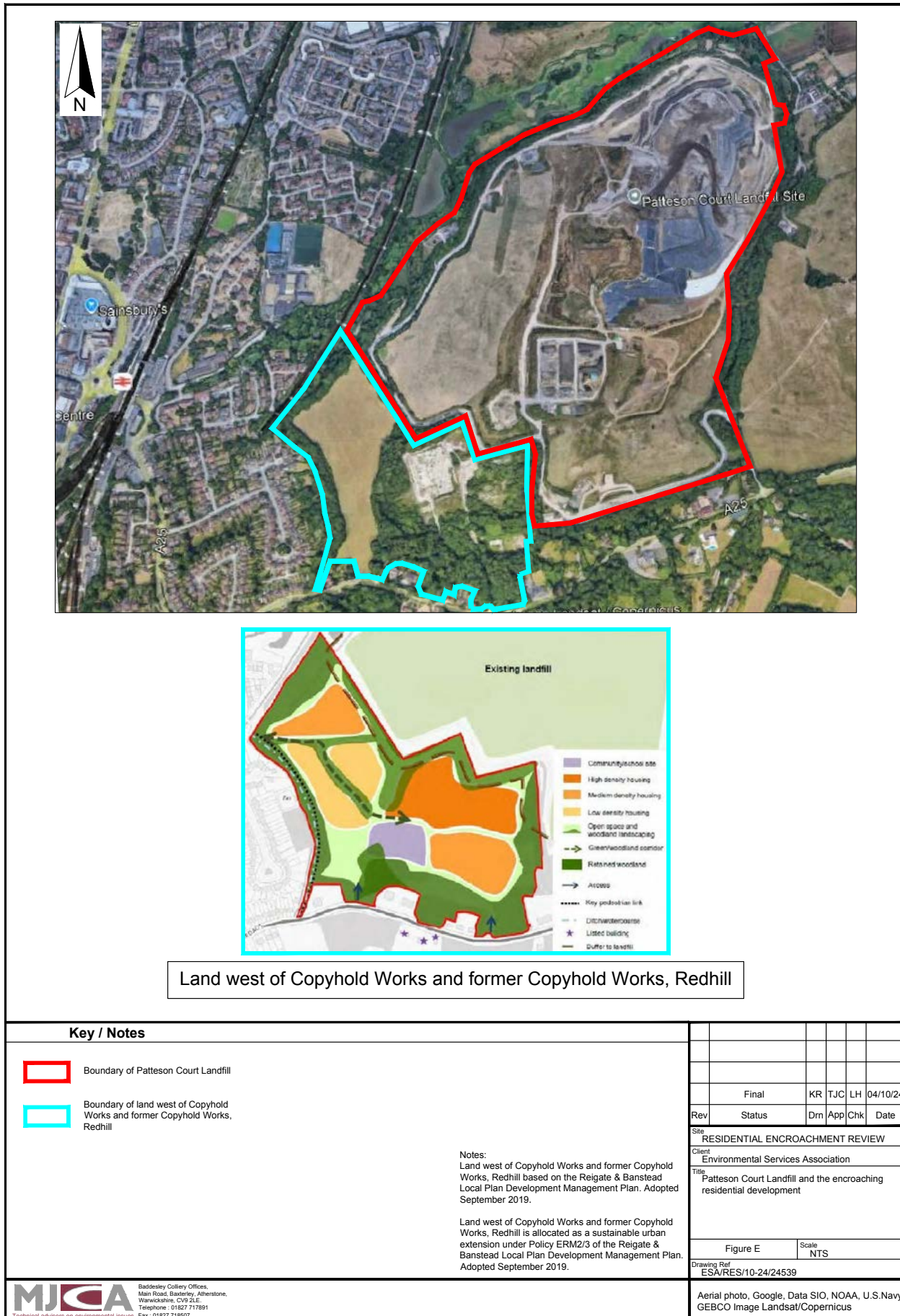
to regard up-to-date information about ongoing operations at the landfill at the time of application together with appropriate consultation. It is expected that mitigation measures would be included in the planning application that could include appropriate stand-off/buffer zones, acoustic screening and strengthening of boundary landscaping to the landfill operation.

The justification also called for the careful consideration of the phasing of the delivery of homes within the site to ensure that any potential conflict with ongoing waste operations and site restoration works at Patteson Court Landfill can be minimised, taking account of circumstances at the time and the future of the landfill site and any environmental assessments available at the time of any planning application.

Notable issues

1) Engagement in the plan-making process for mixed development to provide satisfactory outcome for the residential development and the waste management operations	Biffa engaged with the development plan making process from Regulation 18 (identification of issues and options for the plan) onwards including participation in the Public Examination highlighting the issues associated with residential development in close proximity to a landfill site. As a result the policy was modified in accordance with the Inspector’s recommendations to include measures which take into account both the amenity of residents and the needs of the landfill operators during the lifetime of the landfill.
---	--

Figure E




Appendix F – Bromborough Landfill Gas Management Compound

An example where a residential application is currently being considered and is taking into account current or future waste operations

The waste management facility and the encroaching residential development are shown on Figure F.

Key facts

ESA Member Name	 Biffa Waste Services Ltd.
Type of waste facility	Landfill Gas Management Compound.
Commencement of operations at the site	The wider Bromborough site managed by Biffa Waste Services Limited was granted planning permission in 1990 following an appeal (planning permission reference APP/88/06481) for the tipping of waste material and reclamation of derelict land. The most recent planning permission for the site is planning permission reference APP/22/01570 which was granted in January 2023 for the replacement of two energy generating gas engines with three battery storage units, along with regularisation of the gas compound layout.
Local Authority	Wirral Council (Local Planning Authority and Waste Planning Authority).
Allocated/safeguarded in the Waste Local Plan	Not allocated or safeguarded in the Joint Waste Local Plan 2013.
Site specific policies in the Waste Local Plan	None.
Closest residential property before residential encroachment	Properties on Sparks Croft approximately 100m west north west of the site boundary.

Continued overleaf

<p>Encroaching residential development</p>	<p>Lovell Partnerships Housing application (immediately to the west of the existing Biffa Landfill Gas Management Compound) for the demolition of existing buildings and erection of 115 dwellings with vehicular access, car parking and associated infrastructure (application reference APP/23/01510). Currently waiting for determination.</p>
<p>Residential development allocated in the Local Plan</p>	<p>The area of the development is identified in the existing Wirral Unitary Development Plan (2000) as a 'Primarily Industrial Area'. In the emerging 'Wirral Local Plan 2021 to 2037 Submission Draft' it is identified as a 'Primarily Residential Area'. The emerging plan was submitted to the Secretary of State for Levelling Up, Housing and Communities on 26 October 2022. The hearings have been completed and the Inspector issued a post hearing note in March 2024 requesting the main modifications to the plan from the Council.</p>

Further background information on the residential development

Noise is the potential issue due to residential encroachment on the landfill gas management compound. The assessment of external noise levels in the noise report submitted as part of the residential application (Port Sunlight) (APP/23/01510) stated at some properties' internal noise levels are likely to exceed recommended levels during daytime and / or night time periods with windows open. In January 2024 Biffa submitted a consultation response regarding the submitted noise assessment for the housing development to the west raising concerns regarding the assessment approach for the noise assessment.

In response to the objection and in liaison with the Environmental Health Officer, a further noise assessment was completed by the applicant. The further noise assessment has now been reviewed by Biffa and the comments will be provided to the Council. Biffa are hopeful that an acceptable position can be reached for both the waste management facility and the future residents.

Notable issues

<p>1) Appropriate mitigation is being included as part of the proposals in line with the ‘agent of change’ principle</p>	<p>The residential developer will need to provide mitigation measures for the dwellings closest to the landfill gas management compound, to omit any reliance on openable windows for ventilation. This mitigation will need to be written into the conditions of any subsequent planning permission. Biffa are hopeful that an acceptable position can be reached for both the waste management facility and the future residents.</p>
---	---

Figure F



Land off Dock Road North, Port Sunlight

Key / Notes

- Boundary of Bromborough Landfill Gas Management Compound
- Boundary of the Port Sunlight development

Notes:
 The boundary of Bromborough Landfill Gas Management Compound is based on Biffa plan entitled 'Site Location Plan' dated 12 August 2022. The plan has no drawing reference number but has the computer reference B9032300.

Land off Dock Road North, Port Sunlight is based on Ainsley Gomon Architects plan entitled 'Proposed Management Plan' drawing number 013 revision D dated August 2022.

Rev	Final	KR	TJC	LH	04/10/24
	Status	Drn	App	Chk	Date
Site: RESIDENTIAL ENCROACHMENT REVIEW					
Client: Environmental Services Association					
Title: Bromborough Landfill Gas Management Compound and the encroaching residential development					
Figure F			Scale: NTS		
Drawing Ref: ESA/RES/10-24/24540					

Appendix G – Foxyards Waste Recycling and Depot Facility

An example of a residential application where current or future waste operations at a waste management facility have been taken into account during the determination of the residential application

The waste management facility and the encroaching residential development are shown on Figure G.

Key facts

ESA Member Name	 Biffa Waste Services Ltd.
Type of waste facility	Waste Recycling and Depot Facility.
Commencement of operations at the site	The Foxyards Waste Recycling and Depot Facility managed by Biffa Waste Services Limited was granted planning permission in June 1998 (planning permission reference 98/50129).
Local Authority	Dudley Metropolitan Borough Council (Local Planning Authority and Waste Planning Authority).
Allocated/safeguarded in the Waste Local Plan	Foxyards Waste Recycling and Depot Facility is identified as a Strategic Waste Management Site in the Black Country Core Strategy adopted in 2011 (Appendix 6) and ‘protected’ under Policy WM1. The site is also identified in the Dudley Borough Development Strategy adopted in 2017 as an employment area (E16.1).
Site specific policies in the Waste Local Plan	See above.
Closest residential property before residential encroachment	Properties on Sangwin Road. Approximately 275m north east of the site.

Continued overleaf

<p>Encroaching residential development</p>	<p>Bean Road, Coseley.</p> <p>In March 2016 outline planning permission (reference P15/1289) was granted by Dudley Metropolitan Borough Council for the demolition of buildings and residential redevelopment of the site to form Coseley Park comprising up to 925 residential dwellings and provision of B1(A) office and retail convenience (A1) store. This scheme was subsequently scaled back and a reserved matters application was submitted by Persimmon Homes and approved in May 2020 (ref P19/0611) for ‘submission of reserved matters (appearance, layout, scale and landscaping) for the erection of 472 houses and apartments following outline approvals’ (P15/1289 & P18/0137). As far as can be seen using publicly available aerial imagery, construction operations had begun at the site in June 2023.</p> <p>The Foxyards site is surrounded to the north, south and west by a ‘possible housing zone’ as specified in the Dudley Borough Development Strategy (March 2017).</p>
<p>Residential development allocated in the Local Plan</p>	<p>The residential site is allocated for housing in the Dudley Borough Development Strategy (Allocation H16.1) (pages 119 & 120).</p>

Notable issues

<p>1) Active engagement in the planning application process</p>	<p>Biffa have actively engaged with applications for developments adjacent to their waste operation at Bean Road on several occasions. In 2011 (reference P11/1336), they responded to proposals for 210 houses at the site, raising concerns in relation to noise and traffic with reference also to concern that these factors may introduce operational constraints on the waste facility which is operated for 24 hours a day and 7 days a week. In 2015 Biffa objected to the outline application (reference P15/1289) raising the same concerns. Biffa acknowledged that the applicant had proposed a ‘buffer/standoff’ between the proposed housing and the existing waste transfer station but remained concerned.</p>
--	--

Continued overleaf

2) The successful consideration of issues during determination	<p>The concerns of Biffa were addressed in the Officer’s Report and subsequent planning permission through the use of conditions. It was specified in the outline planning permission (ref P15/1289 Condition D1) that a noise scheme should be submitted prior to commencement of the development (except demolition and remediation) and specified that the scheme should include a bund/barrier at the boundary with the two existing industrial sites and the access route serving them. All works which form part of the noise scheme should be completed before occupation of the permitted dwellings for the relevant phase. The noise scheme was submitted (planning application reference P19/0611/C12) and proposed a buffer along Bean Road site boundary and a 4 metre high acoustic fence which will provide a significant degree of screening at the nearest dwellings for both general vehicle traffic on Bean Road and general activity from the industrial and commercial units to the north.</p> <p>In terms of traffic / highway concerns the planning permission (reference P15/1289) requires the submission of a phasing plan including details of the development of signal junction implementation to address access issues (Condition A3). Condition I2 requires a detailed design of the signal junction to be submitted and approved prior to commencement of the development (except demolition and remediation).</p>
---	---

Figure G



Key / Notes							
	Boundary of Foxyards Waste Recycling and Depot Facility						
	Boundary of the Coseley Park development						
<p>Notes:</p> <p>The boundary of Foxyards Waste Recycling and Depot Facility is based on BJB Consultancy Ltd plan entitled 'Drainage Layout' drawing number DO1 dated July 1998.</p> <p>Coseley Park development is taken from Pegasus Design plan entitled 'Site layout' drawing reference P19-0320-011T dated 3 September 2019.</p>							
		Final	KR	TJC	LH	04/10/24	
		Rev	Status	Dm	App	Chk	Date
		Site RESIDENTIAL ENCROACHMENT REVIEW					
		Client Environmental Services Association					
		Title Foxyards Waste Recycling and Depot Facility and the encroaching residential development					
		Figure G	Scale NTS				
		Drawing Ref ESA/RES/10-24/24541					
<p style="font-size: 8px; margin-top: 5px;"> Baddeley Colliery Offices, Main Road, Baddeley, Atherstone, Warwickshire, CV9 2LE Telephone : 01827 717891 Fax : 01827 718507 </p>		Aerial photo, Google, Image Landsat/Copernicus					

If you would like to find out more about the Environmental Services Association, please visit www.esauk.org

 [@ESA_tweets](https://twitter.com/ESA_tweets)



environmental
services
association