

REGULATORY SERVICES COMMITTEE

3 December 2015

Subject Heading:

Ward

Report Author and contact details:

Policy context:

Financial summary:

REPORT

P1566.12 – Rainham Landfill,
Coldharbour Lane

Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.

Rainham & Wennington

Simon Thelwell
Planning Manager – Projects and
Regulation
simon.thelwell@havering.gov.uk

Local Development Framework
The London Plan
National Planning Policy Framework

None

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

On 18 December 2014, Members of the Regulatory Services Committee resolved to grant planning permission for the continuation of landfill until 2024, subject to conditions and satisfactory completion of a S106 Legal Agreement. Members further resolved that if the legal agreement remained incomplete later than six months after the date of this resolution, the resolution be brought back to Committee for further consideration.

Mainly due to changes in the legal personnel dealing on the matter, the agreement has only recently reached a stage where it is acceptable to both parties in terms of form and content. There has been no change in circumstances since the earlier resolution. It is therefore recommended that authorisation is given to complete the legal agreement and issue planning permission.

RECOMMENDATION

That planning permission be granted, subject to the conditions and S106 legal agreement heads of terms set out in the report to Committee dated 18th December 2014 and added to at that meeting.

REPORT DETAIL

- 1.1 On 18 December 2014, Members considered a planning application that sought to increase the amount of waste to be brought onto the Rainham Landfill site (additional 3.6 million tonnes) with a proposed completion date for landfilling extended to 2024 (currently conditioned to be 2018) with restoration of the site by 2026. Planning permission was recommended, subject to conditions and a legal agreement covering various matters, in the main associated with the post-restoration use of the site as public open space, but also seeking contributions for highway improvements.

- 1.2 Members resolved to grant planning permission, as per the recommendation in the officer's report, subject to an additional condition requiring submission of annual summary reports showing restoration levels in comparison with restoration level.
- 1.3 Members also resolved that if the legal agreement remained incomplete later than six months after the date of their resolution, the resolution be brought back to Committee for further consideration. It has not been possible to complete the legal agreement within the 6 months specified by Committee (18 June 2015). This is partly due to the complex nature of the agreement and the need to agree it with all three owners of separate parts of the site, requiring several redrafts of particular clauses, but is principally related to the departure of two of the Council's legal officers who were dealing with the drafting and advising on the content of the agreement. This resulted in significant delays in agreeing revised content with the applicant's legal advisers.
- 1.4 Since October, a new legal officer has been working on the case and matters have progressed significantly. The Legal Agreement is now at an advanced stage where the content and form has been agreed by all parties.
- 1.5 Since the original committee resolution on 18 December 2014, there have been no significant changes to planning policy that would affect the recommendation made to grant permission subject to conditions and legal agreement. On 21 January 2015, the Mayor of London confirmed that he did not wish to direct refusal of the application or take it over for his determination.
- 1.6 Authorisation is therefore sought from Members to allow the S106 legal agreement to be completed and planning permission issued beyond the six month limit originally imposed.

IMPLICATIONS AND RISKS

2 Financial implications

2.1 As per report to committee 18 December 2015.

3 Legal Implications

3.1 As per report to committee 18 December 2015

BACKGROUND PAPERS

Application form

Regulatory Services Committee Agenda and Minutes – 18 December 2015

All information submitted in support of planning application P1566.12.