



REGULATORY SERVICES COMMITTEE

10 March 2016

REPORT

Subject Heading:

P1407.13 Land adjacent to Wennington Hall Farm, Rainham

Application for the winning and working of minerals, the erection of processing plant, workshop, site office, welfare unit, weighbridge and wheel cleaner and other ancillary buildings with restoration using pre-treated imported suitable inert materials to return the land to agricultural use

Ward:

Rainham & Wennington

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice Guidance

Financial summary:

Not relevant

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

This is an application for progressive mineral extraction together with the subsequent importation of inert materials to restore the land back to existing levels and agricultural use.

The application site covers approximately 26 hectares and is for the extraction of approximately 1.35 million tonnes of sand and gravel over a seven year period. Site restoration would be progressive but would continue for an additional two year period post final extraction. The void created from the mineral extraction would require the importation of some 950,000m³ (1.7 million tonnes) of inert material. The applicant proposes an aspect of recycling/treatment of this inert material, to remove any secondary aggregate, and has suggested that up to 2.5 million tonnes of material may therefore be required to facilitate restoration.

The London Plan requires Havering to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). Even with the recently permitted reserve at nearby East Hall Farm, the Borough does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Panning policy dictates that the Council (as the mineral planning authority), in the circumstances, should generally support proposals for mineral bearing development subject to no significant adverse environmental impacts.

This application has been assessed on its individual merits, but in context of potential accumulation, and it is considered that the development could effectively occur without significant impacts to the environment or locality. In consideration of this and that the site would effectively achieve a sufficient landbank within the Borough it is recommended that planning permission be granted, subject to conditions and accompanying legal agreement.

This application was originally presented to Members at the committee meeting on the 28th January 2016. Members resolved to defer the application so that further information could be presented and accordingly with this information to hand the application is being re-presented for determination.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to a planning obligation under Sections 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Adherence to a lorry routing agreement, to be approved in writing by the Local Planning Authority for mineral and waste prior to commencement, to ensure that heavy goods vehicles associated with the proposed development do not travel through Rainham, Wennington Village, or to the north of the site entrance (unless fulfilling a job/contract in such an area);

- The payment of £72,726 towards the cost of highway maintenance; and
- The creation of a local liaison group.
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed; and
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

It is therefore recommended that the Head of Regulatory Services be authorised to negotiate and agree a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than five years from the date of this permission. In this regard:
 - a) Written notification of the date commencement shall be sent to the Local Planning Authority for waste and minerals within seven days of such commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Five years has been suggested to account for the two years of hydrological monitoring required to be undertaken before the development can commence.

2. Compliance with Submitted Details – The development hereby permitted shall be carried out in complete accordance with plans, particulars and specifications submitted and hereby approved (as per page one of the decision notice).

Reason: The planning authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with policy DC61 of the Development Control Policies Development Plan Document.

3. Duration and Cessation – The development hereby permitted shall be limited to a period of nine years, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with the approved scheme and subject to an aftercare period of five years.

Reason: To ensure that the development is carried out in accordance with the submitted details, to minimise the duration of disturbance, ensure restoration within a timely manner and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC47 and DC61 of the Development Control Policies Development Plan Document and policies 2.7, 5.18, 5.20, 7.4, 7.15, 7.16 and 7.22 of the London Plan.

4. Phasing – The development shall be undertaken on a phased basis, as indicated on the submitted plans, commencing in phase one and progressing in numerical order. With the exception of phase one, extraction works shall not commence in a phase until extraction has been completed in the previous phase.

Reason: In the interests of ensuring the site is restored progressively, to limit the potential amenity impacts and to comply with policies CP10, CP12, CP13, CP14, CP15, CP16, CP17, DC32, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC52, DC55, DC56, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 2.7, 2.8, 5.12, 5.13, 5.14, 5.15, 5.18, 5.20, 6.3, 6.11, 6.12, 7.4, 7.14, 7.15, 7.16 and 7.22 of the London Plan.

5. Removal of Ancillary Development – Any buildings, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than nine years from the date of notified commencement.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC51, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

6. Early Restoration in the Event of Suspension of Operations – In the event that operations are terminated or suspended for a period in excess of 12 months, the excavated area and other operational land shall be restored in accordance with the restoration scheme as approved within 12 months of the expiry of the 12 month period to be advised by the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use in the event of suspension and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 5.18, 5.20, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

7. Export/Import Throughput Restriction – The throughput of mineral shall not exceed 200,000 tonnes per annum and no more than 1.35 million tonnes of mineral shall be exported during the life of the development. Furthermore, no more than 300,000 tonnes of infill material shall be imported per annum and no more than 2.5 million tonnes during the life of the development. A maximum of 100,000 tonnes of the material imported shall be exported as secondary aggregate per annum.

Reason: To ensure the development is carried out in accordance with the submitted details, to minimise the harm to the environment and to comply with policies CP10, CP12, CP13, CP14, CP15, CP16, CP17, DC32, DC39, DC41, DC42, DC43, DC45, DC48, DC52, DC55, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 2.8, 4.1, 5.12, 5.13, 5.14, 5.15, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

8. Importation Restriction – Only inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/treatment, infilling and restoration.

Reason: To ensure that material with no beneficial use to the site is not processed on site, that the site use does not develop beyond that assessed, that waste materials outside of the aforementioned would raise alternate and additional environmental concerns and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC53, DC59 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

9. Records of Throughput – From the date of commencement the operator shall maintain records of their monthly output and imports and such records shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP13, DC41, DC42 and DC45 of the Development Control Policies Development Plan Document; policies W1 and W4 of the Joint Waste Development Plan and policies 5.16, 5.18 and 5.20 of the London Plan.

10. Material Storage – With the exception of the topsoil, subsoil, and overburden bunds and storage indicated on the approved plans, no material, either extracted from the site or imported for infilling, shall be stored beyond the extraction void(s), and within the voids shall not exceed the heights of the nearest void walls.

Reason: In the interests of visual amenity and to comply with policies CP13, CP14, CP15, CP16, CP17, DC41, DC42, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.15, and 7.16 of the London Plan.

11. Vehicle Movements – The total number of heavy goods vehicle movements associated with the development hereby permitted shall not exceed the following limits:

270 movements (135 in and 135 out) per day Monday to Friday; and
136 movements (68 in and 68 out) per day on Saturdays

No vehicle movements shall take place outside the hours of operation authorised and on Sundays and Public and Bank Holidays.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

12. Records of Vehicle Movements – A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

13. Hours of Working – Except in emergencies, when it is expected that the Local Planning Authority for minerals and waste would be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:

08:00 hours to 18:00 hours Monday to Friday; and
08:00 hours to 13:00 hours on Saturdays

And at no other times including Sundays, Bank or Public Holidays.

Activities in the southern half of the site (Phases 6-10) shall however only take place between the following times:

09:00 hours to 18:00 hours Monday to Friday; and
09:00 hours to 13:00 hours on Saturdays

And at no other times including Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC52, DC55, DC56 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the

Joint Waste Development Plan and policies 5.16, 5.18, 5.20, 7.4, 7.14, 7.15 and 7.16 of the London Plan.

14. Archaeology – No development shall take place until a written scheme of investigation for an archaeological mitigation and recording strategy has been submitted to and agreed in writing by the Local Planning Authority for minerals and waste. The scheme shall include:
- a) A written scheme of investigation for further archaeological evaluation to identify the significant areas of archaeological remains within the application area;
 - b) A written scheme of investigation to include a method statement for preserving in-situ areas of archaeological remains of high importance; and
 - c) A written scheme of investigation for a programme of archaeological recording of the remaining archaeological area of the site not included in b).

Each written scheme of investigation shall include:

- a) A statement of significance, objectives, methods and a programme of fieldwork, together with nomination of competent persons and organisation to undertake the agreed works; and
- b) Post-excavation assessment, provision for the analysis and publication and dissemination of the project and the deposition of the resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the written scheme of investigation.

Reason: To ensure that the site is fully investigated prior to extraction, appropriate measures can be put in place to retain features of high importance and to comply with policies CP13, CP18, DC42, DC61 and DC70 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.20, 7.4, 7.8 and 7.20 of the London Plan.

15. Water Quality and Quantity Monitoring – No development shall take place until a proposal to carry out baseline water quantity and quality monitoring for two years, prior to extraction of mineral, has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The monitoring scheme thereafter approved shall be implemented on-site and an annual monitoring report submitted to the Local Planning Authority for minerals and waste for approval.

Reason: To ensure that the potential implications of the development are fully investigated prior to extraction, appropriate measures can be put in place to ensure that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and to comply with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan

and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

16. Hydrological Monitoring Plan – No development shall take place until an updated hydrological monitoring and mitigation plan has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. This plan shall seek to mitigate for any adverse hydrological and water quality impacts, if they arise, during the development, and mitigation should include measures to suspend quarry operations, until such impacts are resolved. The monitoring plan shall furthermore include a chemical suite assessment which includes the waste acceptance criteria proposed to define inert waste and it is suggested that the plan should seek to propose more down grade boreholes, to ensure that monitoring can be maintained during the entire development. The plan thereafter approved shall be implemented on-site and an annual monitoring report submitted to the Local Planning Authority for minerals and waste for the life of the site and the aftercare period.

Reason: To ensure that the potential implications of the development are fully investigated prior to extraction, appropriate measures can be put in place to ensure that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and to comply with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

17. Drainage – The development hereby permitted shall be undertaken in accordance with the drainage strategy outlined within the submitted Hydrogeological Risk Assessment, dated February 2014. Prior to implementation of the drainage strategy:
- a) Details of the proposed flow control device to be fitted to ensure discharge at the pre-development rate of 297 l/s for a 1 in 100 year 6 storm event shall be submitted to and approved in writing by the Local Planning Authority for minerals and waste. The approved details thereafter shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of flood risk and ensuring that the development does not impact on the quantity and quality of discharge from the site and/or nearby ecological designations and in accordance with policies CP13, CP15, CP16, CP17, DC42, DC47, DC48, DC51, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.15, 5.20, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

18. Land Contamination – No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as

applicable) are submitted to and approved in writing by the Local Planning Authority for waste and minerals:

- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority for minerals and waste in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for minerals and waste for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the Local Planning Authority for minerals and waste; and
- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with policies CP13, CP15, CP16, CP17, DC42, DC47, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies

Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.14, 5.20, 5.21, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

19. Advance Planting – No development shall take place until details of the proposed advance planting works have been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The details submitted shall seek to set out that proposed together with timing of planting and management. No extraction works shall commence into the approved details have been implemented.

Reason: To ensure that planting mitigation is installed prior to the development commencing, in the interests of public amenity and landscape and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

20. Retention of Soils – All topsoil, subsoil indigenous to the site and soil making material imported shall be retained on the site and used in the approved restoration scheme.

Reason: To prevent the loss of soil, ensure that material imported is where possible utilised in the restoration and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policies W1, W4 W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

21. Soil Handled in a Dry and Friable Condition – No topsoil or subsoil shall be stripped or handled unless it is a dry and friable condition and no movement of soils shall take place during the months of November to March (inclusive); when the moisture content of the upper level of the soil is equal to or greater than at which the soil becomes plastic; and when there are pools of water on the soil surface.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

22. Soil Movement Scheme – No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The scheme shall be submitted at least three months prior to the expected commencement of soil stripping; and clearly identify the origin, intermediate and

final location of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the potential damage to soils, to minimise the impact of the development on the locality and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

23. Stripping of Top and Subsoil – No excavation shall take place nor shall any of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and subsoil has been stripped from that part of the site and stored in accordance with the approved details.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

24. Maintenance of Bunds – No development shall take place until details for the forming, planting and maintenance of soil bunds to the site have been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenities of local residents, to screen the development in the interests of visual amenity and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

25. Notification of Commencement of Soil Stripping – The applicant shall notify the Local Planning Authority for minerals and waste at least five working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

Reason: To allow the planning authority to monitor progress at the site, to minimise structure damage and soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

26. Notification of Soil Placement – The applicant shall notify the Local Planning Authority for minerals and waste at least five working days in advance of the commencement of the final subsoil and topsoil placement on each phase, or part phase, to allow a site inspection to take place.

Reason: To allow the planning authority to monitor progress at the site, to minimise structure damage and soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

27. Final Soil Coverage – The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of top soil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure that the site is properly restored, can effectively be brought into a beneficial restoration use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

28. Final Landform – Final landform and surface restoration levels shall accord with the landform, and contours shown on the approved restoration plan.

Reason: To ensure proper restoration of the site and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

29. Aftercare Scheme – An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use shall be submitted to and approved in writing by the Local Planning Authority for minerals and waste prior to commencement of infilling. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b) Provide for a detailed annual programme, in accordance with paragraph 58 to the Planning Practice Guidance to be submitted to the planning authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Local Planning Authority for minerals and waste approve in writing with the person or persons responsible for undertaking the

Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the approved aftercare scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

30. Wheel Washing – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during operations shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority for minerals and waste. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission shall provide:

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles; and
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements or evidence that approved practices are failing.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

31. Road Safety Audit – No development shall take place until details of the junctions and alterations to the Public Highway have been approved in writing by the Local Planning Authority for minerals and waste. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a four-stage full road safety audit procedure, as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

Reason: In the interests of highway safety and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

32. Freight Management Plan – No development shall take place until a Freight Management Plan covering construction logistics, servicing, and operations has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The plan should cover all phases and aspects of the development up to and including restoration. The plan should aim to mitigate and reduce the number of unique trips in and out of the site; seek the safest vehicles and driver behaviour; require operators of vehicles accessing the site to follow the work-related road risk standards; and for the operator to become members of the Fleet Operator Recognition Scheme or equivalent (achieving at least a Bronze accreditation).

Reason: In the interests of highway safety and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

33. Noise Limits and Monitoring – Noise levels from operations undertaken in association with the development hereby permitted shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties to demonstrate compliance with the above acceptable level. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least two separate durations during the working day and the results shall be submitted to the Local Planning Authority for minerals and waste within one month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Local Planning Authority for minerals and waste. In the event of an identified exceedance in noise levels, a mitigation strategy shall be submitted to the Local Planning Authority for minerals and waste in writing for approval outlining the measures which will be taken to reduce noise levels within the acceptable parameters.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

34. Air Quality Assessment – No development shall take place until a full air quality assessment for the development has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The assessment shall assess the existing air quality in the study area (baseline) and include a prediction of future air quality without the development in place (future baseline). The assessment shall then predict and assess the air quality with the development in place and identify mitigation measures, as appropriate. The assessment should include a review of impacts in context of national, regional and local policies, the basis of determining the significance of impacts, details of assessment methods, model verification and identification of sensitive locations assessed. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

35. Vibration Assessment – No development shall take place until a vibration assessment and a management and monitoring plan to control vibration emanating from the site has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The assessment shall identify potential sources of vibration from the development and include a review of identified impacts in context of national, regional and local policies. Any mitigation and/or monitoring proposed and thereafter approved shall be implemented on-site and maintained for the life of the development hereby permitted.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

36. External Lighting – No development shall take place until a scheme for the lighting of external areas of the development, including the access roads and working areas, has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The scheme of lighting shall include

details of the extent of illumination together with precise details of the height, location and design of the lights together with proposed hours of operation. The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

37. Permitted Development Restriction – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area and landscape.

Informative

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

3. The proposed inert landfilling activity will require an Environmental Permit under the Environmental Permitting Regulations 2010 (as amended) from the Environment Agency. The applicant is advised to contact the Environment Agency to discuss the permitting requirements and any issues that are likely to be raised during this process.
4. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
6. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Information to allow an appropriate assessment of the proposal and improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraph 186-187 of the National Planning Policy Framework 2012, during the course of determination of this application.

REPORT DETAIL

Background and Additional Information

- 1.1 At the Regulatory Services committee meeting on the 28 January 2016 Members resolved to defer determination of this application to allow additional information to be presented. In this regard Members requested further detailed information on:
 - Where the Council's landbank apportionment figure is derived from?
 - How the completion of existing sand and gravel extraction within the Borough will affect the landbank throughout the plan period?
 - What sanctions affect the Council if the landbank isn't met?
 - Are there any repercussions if the landbank is exceeded?
 - Whether other London Boroughs are meeting their landbank apportionment?
 - Why processing of primary won mineral is necessary and what the alternatives are to on-site processing?

- What measures over and above those suggested within the conditions could be employed to reduce mud on the road?
- What sanctions can apply to the developer if they are known to be responsible for mud on the road but fail to resolve?
- Clarification on how the lorry movement breakdown relates to empty arriving and exiting lorries? and
- If the developer is willing to restrict the extent of extraction to meet rather than exceed the landbank and/or if the development could be phased differently to reduce impact?

Seeking to provide a response to the points raised at the meeting one by one:

Landbank apportionment

- 1.2 The NPPF, at paragraph 145, states that mineral planning authorities should make provision for the maintenance of landbanks of at least seven years for sand and gravel and at least 10 years for crushed rock.
- 1.3 The NPPF details that mineral planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data, other relevant local information and an assessment of all supply options (including marine dredged, secondary and recycled sources).
- 1.4 As part of the London Plan 2004 (alternations published in 2008) the London Aggregates Working Party¹ advised the Mayor that an annual output of 1.0 million tonnes per annum (mtpa) of land-won sand and gravel, sub-regionally apportioned 50:50 between boroughs in east and west London, was more realistic than the 1.1mtpa proposed in the National and Regional Guidelines for Aggregate Provision in England 2003.
- 1.5 The current London Plan 2011 (with alterations published in 2013 and 2015) also concluded that achieving the figure prescribed in the updated Guidelines (2009) was too challenging for London and accordingly supports a more realistic landbank figure (i.e. seven years supply) of at least five million tonnes of land-won aggregate throughout the plan period (or until 2031). This has been apportioned to the boroughs with known mineral reserve, based on the London Aggregates Monitoring Report 2008.
- 1.6 The landbank apportionment detailed within policy 5.20 of the London Plan is:
- at least 1.75 million tonnes to Havering;
 - at least 0.7 million tonnes to Redbridge;
 - at least 1.75 million tonnes to Hillingdon; and
 - at least 0.7 million tonnes to Hounslow.

¹ The London Aggregates Working Party comprises an equal number of representatives from the aggregates industry and local planning authorities (Havering included) together with representatives from the waste and agricultural industry; the Port of London Authority; the Department of Communities and Local Government and the Greater London Authority.

Does Havering have a sufficient landbank?

- 1.7 Detailed below is a table which shows Havering's landbank over the last 5 years together with an indication on how the landbank will reduce over the plan period. The reduction per year has been calculated on the basis of 0.25mtpa usage, as suggested within the London Plan although it is noted that the most recent data available to the Council, as detailed within the latest Annual Monitoring Report, suggests extraction is occurring at a reduced rate of circa 0.17mtpa.

Year	Required landbank (7 year figure)²	Permitted landbank ³	Landbank in years
2011*	1.75mt	0.4mt	1.6
2012*	1.75mt	0.4mt	1.7
2013*	1.75mt	0.5mt	2.0
2014	1.75mt	0.7mt	2.8
2015	1.75mt	1.6mt	6.4
2016	1.75mt	1.35mt	5.4
2017	1.75mt	1.1mt	4.4
2018	1.75mt	0.85mt	3.4
2019	1.75mt	0.6mt	2.4
2020	1.75mt	0.35mt	1.4
2021	1.75mt	0.1mt	0.4
2022	1.75mt	Reserves exhausted	0

**The figures from 2011-2013 are that of London and not just Havering. Until 2014, Havering was not required to produce a Local Aggregate Assessment and therefore provided data to the GLA to produce the Assessment for London as a whole.*

- 1.8 On the basis of the above it is clear that the current permitted reserve within the Borough is insufficient to support a seven year landbank throughout the plan period. Indeed even if planning permission is granted for extraction at land adjacent to Wennington Hall Farm, and 1.35mt added to the landbank in 2016, the landbank would, as demonstrated in the below table, fall below the apportionment in the year 2020 and reserves exhausted in 2027.

Year	Required landbank (7 year figure)	Actual landbank	Landbank in years
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² Required landbank = the seven year landbank apportionment detailed within the London Plan. On the basis of Havering having an apportioned seven year landbank of 1.75mt, this equates to a requirement of a 0.25mtpa yield. In respect of the above and the calculations, taking 2011 as an example a 0.4mt reserve divided by 0.25 equates to a landbank of 1.6 years.

³ Permitted landbank = the reserve within the Borough to which planning permission has been granted to extract. In respect of the above and the calculations, the landbank (post 2016) has been calculated to reduce at a rate of 0.25mtpa as per the London Plan requirement.

2016	1.75mt	2.7mt	10.8
2017	1.75mt	2.45mt	9.8
2018	1.75mt	2.2mt	8.8
2019	1.75mt	1.95mt	7.8
2020	1.75mt	1.7mt	6.8
2027	1.75mt	Reserves exhausted	0

- 1.9 In order to provide a sufficient landbank throughout the current London Plan period (until 2031) at the apportionment Havering would be required to have a permitted reserve of four million tonnes as of 2016.

What sanctions exist if the apportionment figure is not met or it is exceeded?

- 1.10 There are no formal sanctions against the Council if the landbank apportionment is not met. Similarly there are no sanctions if the landbank is exceeded. The NPPF requires mineral planning authorities to plan for a steady and adequate supply of aggregates and when determining applications as far as practical, provide for the maintenance of landbanks. Policy CP13 of the LDF details that the Council recognises the strategic need to supply the construction industry with aggregates and will seek to ensure it makes an appropriate contribution towards the apportionment in the London Plan.
- 1.11 Whilst planning authorities can allocate or safeguard areas for mineral development, as such development is ultimately market-led there is little a mineral planning authority can actually do to ensure a sufficient landbank which is the reason why there is no formal sanction for a deficit. That being said this lack of sanction should not in any way be seen a reason to presume mineral development and the provision of landbanks is not important. Indeed the NPPF states that great weight should be given to the benefits of mineral extraction when determining planning applications.
- 1.12 The landbank position is a material planning consideration when determining an application relating to a mineral-bearing development. In the event of an insufficient landbank planning policy suggests that such applications should generally be supported. Havering does not have a sufficient landbank as required by the London Plan and demonstrated in the above tables. If Members are therefore minded to refuse this application, reasons for refusal would have to clearly outweigh the need for Havering to meet its apportionment.

The position elsewhere in London

- 1.13 As detailed at paragraph 1.6 of this report, the only other London boroughs with an apportionment within the London Plan are Redbridge, Hillingdon and Hounslow.

- 1.14 Redbridge does not currently have any mineral reserves or landbank but does have an adopted Minerals Local Plan which identifies areas where extraction will be supported and areas for potential exploration. The lack of landbank has not however been a result of applications for mineral bearing development being refused. Such applications have just not been received.
- 1.15 The latest Local Aggregate Assessment undertaken by Hillingdon was in 2013. At this time the permitted reserve was 450,000 tonnes. This is significantly below the apportionment figure but the conclusions note that three preferred sites for mineral extraction are identified in the Local Plan and accordingly if these sites come forward, a 14 year landbank would exist.
- 1.16 Only limited information could be found on the current position in Hounslow. However, it is noted within a recent officer report produced in respect of a mineral bearing development that the Council have identified five potential sites for mineral extraction. Due assessment of these sites is being considered as part of the Council's process of creating a new Local Plan and it is anticipated that preferred sites will be allocated to meet the required level of apportionment.
- 1.17 Unlike Redbridge and Hillingdon, Hounslow have however recently received and refused an application for a mineral bearing development. It is nevertheless important to note that this was not a straightforward mineral extraction development and the application was refused on grounds of the proposed future site use and not specifically in relation to the extraction of minerals.

Primary processing of mineral

- 1.18 Processing of primary won-mineral is required to remove unwanted clay and separate out the sand and gravel components for onward use and distribution. In terms of the process proposed for this site, the extracted material would be unloaded into a hopper where, by way of a number of conveyors, the material would be wet screened and separated by particle size. The actual processing stage primarily involves the material passing over a series of screens that sift the material into different sizes. The plant proposed as part of this application would have an operational height of 9.3m, although it should be recalled that the processing plant would be located within the working void, 2.5m below ground level. This is the height at which the conveyors would drop sorted material into relevant stockpiles below. The hopper, for reference, in terms of scale would measure 4.8m by 1.5m. The noise characteristics of the plant is that of the material being loaded into the hopper and being sifted; the movement of conveyors and the noise associated with material falling from the conveyors into stockpiles.
- 1.19 As detailed at paragraph 2.4 of the report presented to Members in January, the applicant is in addition to the above proposing the occasional use of a crusher should an excess amount of large extracts be found. There is not a ready market for this product and the crusher would reduce the size of the product for onward distribution and use. The crusher proposed as part of the application would be mobile and measure approximately 15.9m by 2.8m with a

height of 4.4m. As this machine effectively crushes material it can be quite noisy. The use of this machine has been assessed as part of the submitted Noise Assessment and, to confirm, would only be used on an ad-hoc basis, as required.

- 1.20 Processing of primary won-mineral is required to facilitate the creation of a product which meets market needs. If primary processing was not proposed the material would be required to be transported elsewhere for processing. This, as suggested at paragraph 5.20 of the report presented to Members in January, may result in additional vehicle movements if an empty vehicle was required to arrive on-site to transport the material to the processing site. Potentially then an additional two movements would result in the collection and on-ward distribution of the processed product from that site. For the aforementioned reason, subject to the site being suitable to facilitate on-site processing, the mineral planning authority would normally seek to encourage on-site processing for mineral-led development. It is accepted that processing can, without appropriate controls and mitigation, result in additional amenity impacts. However, in this case, it is considered that an on-site processing plant can effectively be accommodated without significant environmental or amenity impact.

Vehicle movements and potential mud on the highway

- 1.21 The vehicle movements detailed and discussed later in this report are maximums. The applicant has worked on a worst case scenario in which an empty vehicle would arrive at the site to collect extracted material; a full vehicle would deposit infill/restoration material and then leave the site empty; and an empty vehicle would arrive to pick up any produced secondary aggregate. In practice it is highly unlikely that this would be the case as it is not cost effective for the applicant/operator.
- 1.22 The Transport Assessment submitted in support of the application has sought to assess impact on a worst case scenario and therefore any doubling up of vehicles would if anything simply reduce the number of vehicle movements associated. In terms of management, suggested condition 32 has been recommended by Transport for London and this requires the submission of a Freight Management Plan and one of the guiding objectives of such a Plan is to reduce the number of unique trips in and out of the site. The submission of such a Plan, in the event that planning permission is granted, would seek to ensure that the applicant is encouraging the dual use of vehicles accessing the site and where possible limiting the number of vehicle movements associated with the development.
- 1.23 With regard to mud and debris on the road, suggested condition 30 requires the submission of a detailed scheme to prevent mud being deposited onto the public highway. In the event that planning permission is granted it is likely that measures including the provision of a wheel spinner and wheel wash would be put forward by the applicant in terms of minimising the potential of mud being brought onto the public highway. The use of a water bowser to clean the public highway is also something which may be proposed. It will be noted that the last

point of the suggested condition is for a contingency plan in the event of a break-down of any agreed measures or evidence that such measures are failing to prevent mud from being traversed on to the public highway. It is expected that the contingency proposed would be to suspend all vehicle movements to and from the site until measures are implemented to ensure that mud and debris is no longer deposited from the site. The offending material shall also be cleared from the public highway as soon as practically possible. As this contingency plan would form part of the approved details of the application, should any issues arise the mineral planning authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.

- 1.24 The mineral planning authority has the option to undertake up to eight paid site monitoring visits within a 12 month period to monitor mineral and landfill permissions. A charge of £331 per visit can be imposed on the site owner under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the visit allows officers to duly check compliance with the planning permission and relevant conditions. Following each inspection, a report would be produced by the officer undertaking the inspection and this shall be forwarded to the site owner and operator identifying any breaches of planning control; issues to be rectified; and a time frame to complete such works before more formal enforcement action may be pursued.
- 1.25 In the event that mud is distributed on the public highway and sufficient evidence exists to demonstrate that the operations from the site are responsible there are a number of enforcement options which would be available to the Council. Initially if the wheel washing measures had not been installed or were not being used, as approved, a Breach of Planning Condition Notice could be issued requiring such measures to either be installed and/or used. Should such measures however have been installed and an issue still remain powers do exist under section 151 of the Highways Act 1980 to serve a Community Protection Notice on the operator. The issuing of such an Order would be under the operator's failure to comply with duties imposed under Section 3 of the Health and Safety at Work etc Act and this would require the operator to cease operations until the problem has satisfactorily been resolved.
- 1.26 Members at the committee meeting in January, in respect of vehicle movements, also requested details of other sites in the locality in context of concerns about the accumulation of vehicles using the A1306. Below is a table showing the main existing (mineral and waste) sites within the locality and an indication on their lifespan. To confirm the Highway Authority have considered the below developments in providing comments on this application and the Transport Assessment submitted in support of the application also appraised the number of vehicle movements which would result from this development in context of potential accumulation.

Site	Development Description	Proposed/Permitted No. of Vehicle Movements	Update / End Date
Rainham Quarry, Lauder's Lane (most recent application ref: P1323.11)	Phased extraction of sand and gravel	180 movements a day (90 in and 90 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Permission for extraction expired in 2015. That being said consent exists for continued processing at the site – most recently granted as part of planning application ref: P0271.14.
Arnolds Fields, New Road (most recent application ref: P0941.00)	Land raising to facilitate community woodland	See comment in next box	Enforcement Notice issued in 2004 on grounds that sufficient material was on-site to facilitate approved restoration. Enforcement Notice upheld but site still has not been restored in accordance with approved details.
Spring Farm, New Road (application ref: P2098.04)	Phased extraction of sand and gravel	70 movements a day (35 in and 35 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Site restoration expected 2017.
Southall Farm, New Road	Phased extraction of sand and gravel	n/a	Restoration complete.
Moor Hall Farm, New Road (parent application ref: P0319.09)	Construction of a 'links' style golf course	400 movements a day (200 in and 200 out) was the basis of the	The importation of material to complete this project is

		submitted Transport Assessment. However, this is not formally controlled by condition.	substantially complete.
Mardyke Farm, Dagenham Road (most recent application ref: P0455.14)	Landscaping and re-contouring	190 movements a day (95 in and 95 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	Importation to be completed by 11/04/2017.
The Paddocks, Moor Hall Farm, New Road (application ref: P1578.14)	Re-restoration of site following differential settlement	500 loads per calendar month for a period of 18 months.	Works commenced on-site January 2016.
Little Gerpins 2, Berwick Pond Lane (application ref: P1637.14)	Engineering earthworks to provide managed woodland	200 movements a day (100 in and 100 out) over a two year period – controlled by condition.	Site restoration required by 2018.
East Hall Farm, New Road (application ref: P0271.14)	Phased extraction of sand and gravel	192 movements a day (96 in and 96 out) – controlled by condition.	Site restoration required by 2026.
Pinch Site, Gerpins Lane (application ref: P1605.15)	Restoration of land, via the importation and spreading of inert material, to managed woodland and grassland	208 movements a day (104 in and 104 out) with a proposed timescale for restoration of 30 months.	Pending determination.
Ingrebourne Hill, South End Road (application ref: P1066.14)	Re-contour the existing profile of Ingrebourne Hill	200 movements a day (100 in and 100 out) over a three year period.	Application refused but appeal lodged. Awaiting date for Public Inquiry from PINS.

- 1.27 On the basis of the above, given the extent of the work required to discharge a number of suggested pre-commencement conditions it is considered that this development would not actually likely come forward for at least 12-18 months. In context of this, it is considered that of the above sites only Little Gerpins 2 and East Hall Farm, and potentially the Pinch Site, would be operational.

Potential changes to the development phasing

- 1.28 Considering the current landbank position, it is considered it would be difficult for the mineral planning authority to restrict the throughput of this site so that the landbank is not depleted at a greater rate than 250,000tpa. In this regard the NPPF at paragraph 145 explicitly states that authorities should seek to ensure that large landbanks bound up in very few sites do not stifle competition. There is only a finite reserve of mineral in Havering and once worked the reserve will be exhausted. Until such a time, it is however considered likely that as a Borough we will be planning for mineral extraction and therefore the provision of an excessive landbank is not considered in any way detrimental to the position the authority may seek to defend in terms of future landbank provision.
- 1.29 Should planning permission be granted for extraction at Wennington it is likely that both this site and East Hall Farm would be operational at the same time, potentially resulting in sand and gravel being land-won at a rate of 335,000tpa (given the permitted export rate at East Hall is 135,000tpa). Whilst Members have asked that consideration be given to restricting the extraction rate at Wennington to 115,000tpa, it is not considered that such a restriction would be reasonable in the absence of supporting reasons or harms for such the restriction. Such a restriction would also be contrary to the principles of paragraph 145 of the NPPF and furthermore prolong the overall life of the site which may not be considered desirable. For reference, on the basis of extraction rate of 115,000tpa instead of 200,000tpa the site life would extend by approximately 5 years.
- 1.30 In terms of phasing, as suggested in the below report it is proposed that the site would be worked in anti-clockwise direction. Extraction at East Hall Farm is commencing in the fields to the east of Church Lane / south of East Hall Farm. In respect of this, and the likely start date of extraction at Wennington, should planning permission be granted, it is considered unlikely that extraction in the fields either side of Church Lane would occur simultaneously. By the time extraction formally starts at Wennington it is likely that extraction at East Hall would have progressed to the fields on the north side of East Hall Lane. Therefore in terms of cumulative impact, it is unlikely that large areas close to residents would be worked at the same time.
- 1.31 The report as presented to Members in January, for reference, is replicated below in context of the above additional assessment.

REPORT TO 28 January 2016 Committee reproduced below.

1.0 Site Description

- 1.1 The application site is located approximately 1km south-east of the village of Rainham and is a rough square plot extending to some 26 hectares. The site is currently farmed for irrigated crops on a rotational pattern, as part of a wider holding based around Berwick Manor Farm (circa 1 mile to the north). The site is relatively flat, although does slope north to south, with limited internal hedgerow field boundaries. The site perimeter is screened by an intermittent hedgerow boundary.
- 1.2 The site is bounded to the north by East Hall Lane, and further north by land which forms part of East Hall Farm and is permitted for sand and gravel extraction. To the east the site is bounded by the A1306 (New Road) and to the west the site is bounded by Church Lane. To the south of the site is Wennington Road. On the south side of Wennington Road and on the junction with the A1306 (New Road) are a few residential properties. These together with those on Church Lane are the closest residential properties to the development site. St Mary and St Peter's Church, on the south side of Church Lane, is grade II* listed.
- 1.3 The site forms part of the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is partially located within flood zone 2 and partially within flood zone 3. The site is located within an area of known mineral interest and accordingly forms part of the Council's minerals safeguarding area.
- 1.4 In terms of locality, and nearby ecological designations, the Inner Thames Marshes SSSI and Rainham Marshes Nature Reserve is located approximately 1km south-west of the site.

2.0 Description of Proposal

- 2.1 This is an application for progressive sand and gravel extraction together with the subsequent importation of inert materials to restore the land back to existing levels and agricultural use.
- 2.2 The size of the mineral reserve is estimated at circa 1.35 million tonnes and it is proposed that an on-site processing plant would be installed to yield in the order of 200,000 tonnes per annum. The site would therefore have a life of between six and seven years with an additional two years proposed for restoration.
- 2.3 The void created from the extraction is proposed to be infilled, back to existing levels, and restored to agricultural use. The infill material would be inert although initial treatment of this material is proposed to remove any aggregate which could otherwise be used. The void created from the mineral extraction would require the importation of some 950,000m³ of inert material. The applicant works on a conversion rate of circa 1.8 tonnes of infill material per m³ of void which means that approximately 1.7 million tonnes of material would be required for restoration. In respect of this the applicant has however estimated

of the material proposed to be imported (as infill) up to a third may be suitable for recycling/treatment. The applicant has in view of this, and ensuring that this material is utilised/re-used, suggested that up to 2.5 million tonnes of material may therefore be required to be imported to facilitate restoration. This figure works on the basis of up to 100,000 tonnes of the material imported per annum (800,000 tonnes of the 2.5 million infill material overall) being exported as secondary aggregate to the market.

- 2.4 It is proposed that both the extracted and imported (restoration) material would be processed on-site. In this regard, a processing plant is proposed to be installed below existing ground levels, in the centre of the site. The processing plant site would be approximately three hectares and would be partially excavated to a depth of 2.5m to create a level operations area within the exposed mineral surface for the processing to occur. The internal road from the access onto the A1306 would be level at junction, before turning through 90 degrees and sloping down at a gradient of 1:20 to the processing area. Within the processing area would be a weighbridge, two modular site offices, a workshop and the associated plant and machinery. The treatment process to separate the sand and gravel into different sizes would be a wet process using recycled water with the processed material being stored in open stockpiles. In addition to the washing and screening unit, a crusher is proposed to be utilised on-site to reduce the size of any large gravel extracts from the site. The infill material is proposed to be processed dry, primarily by screener but a crusher would be utilised should a significant amount of large material exist.
- 2.5 Following the construction of the plant and operations area, it is proposed that the site would be worked in 10 phases, in an anti-clockwise direction. The site is proposed to be bound by a 2m high environmental bund around the northern and eastern boundaries and a 3m high environmental bund around the southern and western boundaries.
- 2.6 Access to the site would be off the A1306, with a purpose built access proposed at the existing agricultural field access point. In terms of vehicle movements, on the basis of 250 working days a year, it has been estimated that the development would result in 270 vehicle movements per day (135 in and 135 out). This is broken down, by the applicant, as per the below:
- Mineral extraction: $200,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 80$ movements per day (40 in and 40 out)
 - Restoration/Infill: $177,000\text{m}^3 \text{ per annum (8 year period)} / 250 \text{ working days} / 9.5\text{m}^3/\text{lorry} \times 2 = 150$ movements per day (75 in and 75 out)
 - Treatment: $100,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 40$ movements per day (20 in and 20 out)
- 2.7 The site is proposed be operational for nine years during the following hours:
- 07:00-18:00 Monday to Friday; and
07:00-13:00 Saturday

With no working on Sundays or Public holidays.

3.0 Consultations/Representations

- 3.1 The applicant prior to submission of the application undertook an initial public consultation exercise. This involved a leaflet drop and a manned drop-in exhibition.
- 3.2 On receipt of the formal planning application, the Council directly notified 87 properties. The application was also advertised by way of site notice and press advert. Following the receipt of additional information, during the course of determination, further public consultation was undertaken. 85 individual letters of public representation have been received in response to the consultation together with 93 letters requesting an independent highway assessment and a petition received from a local residents group (Residents Against Gravel Extraction – RAGE) signed by 2,098 individuals and 105 businesses. The representation received from Wennington Village Association included a transport report which had been commissioned by residents and the Association to support their traffic concerns. This report which appraises the Transport Statement submitted with the application suggests a number of deficiencies including the lack of assessment of personal injury accidents; the distribution of traffic; errors in modelling and concerns over the design of the site access.

The main areas of concern and objection raised in the aforementioned are:

- Traffic, inadequate road infrastructure and site access;
- Mud and debris on the highway resulting in increased chance of accident;
- Dust;
- Potential health implications;
- Noise impacts;
- Loss of light;
- Visual impacts;
- That there are numerous waste and mineral sites in the locality and the accumulation of impact has not been appropriately assessed. The general consensus being why Rainham?;
- Loss of property value;
- Loss of high quality agricultural land;
- Increased risk of flood risk;
- Property subsidence;
- Concerns about potential impacts on the water table;
- The impacts of on-site processing, something which was not permitted at East Hall Farm;
- That the development would result in a complete character change to the area;
- Waste disposal and/or recycling is not an acceptable or appropriate use of Green Belt land;

- Conflicts between the findings of the assessments submitted in support of this application and the East Hall Farm application; and
- General concerns about the adequacy of the Environmental Statement overall.

3.3 Comments have also been received from the following consultees:

Environment Agency – No objection in principle to the development. Having reviewed the proposed monitoring plan we are generally satisfied that the monitoring will address our outstanding concerns. It is however requested that the plan is amended so that the proposed chemical suite includes parameters if the applicant intends to accept inert waste WAC types during the backfill. Furthermore, as groundwater flow direction has not been confirmed we feel that the applicant should include contingency actions to add more down gradient boreholes. This will enable the applicant to capture any emissions to groundwater. With the aforementioned amendments to the plan it is requested that the implementation is secured by Grampian condition or via legal agreement.

Essex and Suffolk Water – No objection.

Greater London Authority – It is considered that the application complies with the London Plan. With regard to Green Belt – the proposal is a form of development that is not inappropriate as defined by the NPPF and the location and design of the facility would not have a detrimental effect on the openness of the Green Belt. The proposal complies with London Plan policy 7.16. In respect of waste and minerals – the principle of mineral extraction in Havering is acknowledged in the London Plan and the proposal makes appropriate provision for importing inert waste material to infill, aftercare and restoration. Restoration and aftercare procedures should be secured by condition. The proposal complies with London Plan policies 5.18 and 5.20. Finally with regard to transport – a freight management plan should be secured by condition.

Havering Friends of the Earth – Object on the following grounds: erosion of good crop-producing agricultural land and damage to a prime area of Green Belt land; damage to ecosystems; food security; pollution and traffic congestion; noise nuisance; dust pollution and health risks; and destruction of wildlife habitat.

Heritage England – We have reviewed a series of archaeological assessment and evaluation work including air photographic plots, attempts at geophysical survey and at least two stages of archaeological trial evaluation. The results show that there is an extant prehistoric enclosure and a whole series of artefact rich archaeological features spread across the northern part of the site. Because of the nature of the trial trenching we only have a partial view of the nature of these archaeological features. In consideration of this and in order to ensure that the most significant remains can be preserved in situ a restrictive condition preventing any development occurring until a Written Scheme of Investigation for an archaeological mitigation and recording strategy has been

submitted to and approved in writing by the mineral planning authority, in consultation with Heritage England.

Highway Authority – No objection to the scheme in terms of trip generation and impact on the road network but request a number of conditions to ensure that the proposed access is safely constructed, that mud and debris is not deposited on the highway and that agreed lorry routing is put in place. The transport assessment suggests that currently HGVs make up 10% of traffic on the A1306 (New Road) and the development will cause this to rise to 12.5% which is a significant increase (25% increase in HGV traffic). While this does not cause capacity concerns, we have concerns on the impact on the surface and structural condition of the highway created by additional HGV traffic. As such a financial contribution towards the maintenance and repair of the highway is also sought.

London Borough of Havering Environmental Protection:

Air Quality – No objection subject to a condition requiring the submission of a full air quality assessment including an assessment of the existing baseline against a prediction of future air quality together with any mitigation measures proposed to reduce any identified impact.

Land Contamination – No objection subject to a condition requiring the submission of a Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminants, their types and extent, incorporating a Site Conceptual Model. Pending the outcome of the Phase I, a Phase II (Site Investigation) and Phase III (Remediation Strategy) may be required.

Noise & Vibration – No objection subject to a condition requiring the submission of a scheme which specifies the provisions to be made for the control of noise and vibration emanating from the site and a report demonstrating that the site operations do not exceed suggested maximum levels.

London Fire Brigade – No objection.

National Grid – Due to the presence of National Grid apparatus the contractor should contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected.

Natural England – No objection subject to conditions.

Ecology: The application site is in close proximity to the Inner Thames Marshes SSSI. We have reviewed the applicant's baseline monitoring proposal and while it appears to be acceptable with regards to water quality, the monitoring of water levels and flows is inadequate. As such the imposition of a condition requiring the applicant to submit a monitoring proposal and to carry out baseline water quantity and quality monitoring for two years prior to extraction of mineral is suggested. An annual monitoring report shall furthermore be submitted and approved before extraction of mineral and de-watering can commence.

Additionally the applicant shall carry out regular monitoring of the hydrological regime, and will mitigate for any adverse hydrological and water quality impacts, if they arise. The mitigation should include measures to suspend quarry operations if impacts arise, until they are resolved. A Hydrological Monitoring and Mitigation Plan shall be submitted and approved in this regard, after the baseline monitoring has been carried out and prior to the commencement of mineral extraction. With the aforementioned conditions attached to any planning permission granted it is not considered that the development would adversely impact on the special interest features of the Inner Thames Marshes SSSI.

Soils, Land Quality and Reclamation: The application site includes 22 hectares of 'best and most versatile' agricultural land; namely Grades 1, 2 and 3a. Natural England are broadly satisfied with the soils and reclamation proposals but note that to achieve best and most versatile land on this site following restoration a soil profile of 1.2m above the fill should be created, made up of at least 40cm of loamy sand topsoil over a sand subsoil.

Rainham Conservation & Improvement Society – We already have too many sites in Rainham & Wennington and have a history of failures and lack of control over existing gravel extraction/landfill sites, which are all over time or overfilled. Rainham residents are entitled to the same quality of life as those in more affluent parts of the Borough and the discrimination and dismissal we have received from Havering, over the centuries, must now stop.

Thames Water – No objection with regard to sewerage infrastructure capacity. It is recommended that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. In respect of surface drainage it is the responsibility of the developer to make proper provision for drainage to ground, water course or a suitable sewer.

Transport for London – No objection. It is not expected that the proposals would have an impact on the TLRN or public transport infrastructure/capacity. A freight management plan is nevertheless suggested as a potential condition should planning permission be granted.

Jon Cruddas MP – I am firmly against these plans as it is the overwhelming sense from residents that if these plans are given the go ahead that Wennington will change out of all recognition.

4.0 Policy Context

- 4.1 The National Planning Policy Framework (NPPF) was published on 27 March 2013 and set out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11, states that planning law requires that applications for planning permission must

be determined in accordance with the development plan unless material considerations indicate otherwise.

- 4.2 For decision-taking the Framework states that this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 4.3 In respect of the above, paragraph 215 of the NPPF, which is considered applicable to the London Borough Of Havering LDF, states due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The opinion of the London Borough of Havering is that the LDF is broadly compliant with the NPPF and therefore full weight can be given to policies in the determination of applications.
- 4.4 Specifically with regard to mineral development, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. At paragraph 144 it is detailed that when determining planning applications, local planning authorities should:
- give great weight to the benefits of the mineral extraction, including to the economy;
 - as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
 - ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - not grant planning permission for peat extraction from new or extended sites;
 - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
 - consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
 - recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.
- 4.5 With regard to waste policy and guidance, the NPPF does not contain specific policies, since national waste planning policy will be published as part of the National Waste Management Plan for England (NWMP). The NWMP was adopted in December 2013 and sets out where we are now in terms of waste generation and how we manage such waste. It sets out where we are and the policies we currently have in place to support the economy, protect our environment and prevent and manage waste streams. In October 2014 the National Planning Policy for Waste was published, replacing Planning Policy Statement 10: Planning for Sustainable Waste Management.
- 4.6 The following policies of the LDF Core Strategy and Development Control Policies Development Plan Document are considered relevant to this development: CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP13 (Minerals Extraction), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC22 (Countryside Recreation), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC39 (Freight), DC41 (Re-use and Recycling of Aggregates), DC42 (Mineral Extraction), DC43 (Ready Mixed and Processing Plant), DC45 (Appropriate Development In The Green Belt), DC47 (Agriculture), DC48 (Flood Risk), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodlands), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations).
- 4.7 In addition to the above, the following policies of the Joint Waste Development Plan for the East London Waste Authority Boroughs are considered relevant: W1 (Sustainable Waste Management), W4 (Disposal of Inert Waste by Landfill) and W5 (General Consideration with regard to Waste Proposals).
- 4.8 The following policies of the London Plan are considered relevant to this development: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 3.1 (Ensuring Equal Life Chances For All), 3.2 (Improving Health and Addressing Health Inequalities), 4.1 (Developing London's Economy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality and

Wastewater Infrastructure), 5.15 (Water Use and Supplies), 5.16 (Waste Net Self-Sufficiency), 5.18 (Construction, Excavation and Demolition Waste), 5.20 (Aggregates), 5.21 (Contaminated Land), 6.1 (Strategic Transport Approach), 6.3 (Assessing Effects of Development on Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 6.14 (Freight), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.8 (Heritage Assets and Archaeology), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.16 (Green Belt), 7.19 (Biodiversity And Access To Nature), 7.20 (Geological Conservation), 7.21 (Trees And Woodlands), 7.22 (Land for Food), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy).

5.0 Appraisal

Principle of Development

- 5.1 The London Borough of Havering, as per policy 5.20 of the London Plan is required to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). The Council last produced a Local Aggregate Assessment (LAA) in October 2014. The conclusion of this was that the Council's landbank was approximately 2.5 years on the basis of a permitted reserve of 700,000 tonnes. Since October 2014, planning permission has however been granted for mineral extraction at East Hall Farm. This site has a reserve of 1.1 million tonnes and adding this to the existing permitted reserves within Havering it is considered that the landbank is currently around 1.6 million tonnes or 6.4 years (factoring an approximate additional 14 months of working from the 700,000 tonne figure suggested within the LAA).
- 5.2 As detailed in the 'Policy Context' section of this report, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. The London Plan at paragraph 5.90 acknowledges that there are relatively small resources of workable land-won sand and gravel in London however the Mayor supports the realistic landbank figure and how this is apportioned between the boroughs with potential reserves.
- 5.3 The London Borough of Havering, even with the permitted reserve at East Hall, does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Whilst the landbank position has improved with the granting of planning permission for East Hall Farm, it is considered that planning policy dictates that the Council (as the mineral planning authority), in the circumstances, generally supports proposals for mineral bearing development subject to no significant adverse environmental impacts.

- 5.4 The Council does not have an adopted Minerals Plan and until such a time, when preferred sites for mineral extraction to achieve a seven year sand and gravel landbank during the plan period are identified, applications for mineral development have to be assessed on their individual merits, as per policy CP13 of the LDF. In terms of the principle of development, it is therefore considered that in providing additional mineral reserve broad policy support exists for the development coming forward as the sand and gravel landbank in Havering is currently below seven years.
- 5.5 With regard to the treatment/recycling of infill material prior to use within the restoration of the project, it is acknowledged that this element means that up to an additional 800,000 tonnes of material may need to be imported to facilitate restoration. This is the equivalent of up to 40 vehicle movements (20 in and 20 out) per day. It is worth noting that this assumes that the secondary aggregate produced would be collected by vehicles arriving empty so is considered to represent a worst case scenario. Policy 5.20 of the London Plan nevertheless encourages the re-use and recycling of construction, demolition and excavation waste and to this effect aims to achieve 95% recycling/re-use of construction, demolition and excavation waste by 2020 and 80% recycling of that waste as aggregates by 2020. In seeking to remove the secondary aggregate from the material imported it is acknowledged that the quantity of material required to be imported is greater than it would be without this. That being said, it is also acknowledged that the London Plan seeks to achieve significant levels of secondary aggregates and that it is not very sustainable to use such material purely for restoration. A more detailed assessment of the sustainability of working the reserve and the proposed restoration, including the treatment of the infill material prior to use, can be found below in context of the site specific constraints.
- 5.6 In conclusion, it is considered that as this site is located within the Council's mineral safeguarding area, and as such a known sand and gravel reserve within the Borough, and that the current landbank is less than the apportionment figure detailed within the London Plan that, in principle, the development complies with policy 5.20 of the London Plan and policy CP13 of the LDF.

Green Belt

- 5.7 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. At paragraph 80 of the NPPF it is detailed that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.8 Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on detailing that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.9 Paragraph 80 of the NPPF identifies certain forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure that can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 5.10 In context of the above, it is considered that mineral extraction per se is not inappropriate development in the Green Belt. That being said the development associated with this development in the form of the temporary operations and processing plant would be. Furthermore, although aggregate recycling is promoted within the London Plan such activities (in essence a waste treatment/recovery operation) are also not defined as not inappropriate development in paragraph 80 of the NPPF. Whilst the restoration of an extracted void to previous levels it is accepted is ancillary to the extraction and potentially falls within the definition of an engineering operation, the additional treatment/recovery process would go beyond this definition. An assessment of the impacts which would result from this activity is therefore required to determine if this activity is supported by very special circumstances or benefits which outweigh the potential harm by reason of inappropriateness.
- 5.11 The applicant has suggested that this development could occur without the treatment/recycling of the infill material. However, this would reduce the quality of the restoration and be contrary to the principle of recycling secondary aggregate. In the event that material without an aspect of aggregate was sourced it is likely that the restoration period would be significantly longer as such material is not as readily available. The applicant considers that the benefits to the treatment therefore amount to very special circumstances in context of the site specific conditions.
- 5.12 Policy DC45 of the LDF states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Mineral extraction is detailed as a potentially appropriate development in the Green Belt

subject to compliance with the other relevant policies in the LDF. Of particular note in this regard is policy DC42. Accepting that mineral extraction is not inappropriate development this suggests that ancillary buildings, structures, plant and/or equipment should be essential to the operation and preserve the open nature of the Green Belt. Materials should be sympathetic to the landscape and impact minimised by appropriate siting and screening where necessary.

- 5.13 As detailed previously in this report, the operations and processing plant area are proposed within an active phase of the workings (i.e. below ground) to limit visual impact. The buildings, structures, plant and equipment proposed would all be temporary in nature and as such not overly conducive to high quality development. That being said the buildings and structures proposed are considered typical for such sites and the plant and equipment of a size necessary to facilitate safe and efficient operation. It is not therefore considered that the processing plant proposed in association with the sand and gravel extraction is representative of inappropriate development in the Green Belt.

Landscape and Visual Impact

- 5.14 Mineral extraction by its very nature is visually intrusive. As existing this is an agricultural field yielding crops. In terms of landscape value, the site is bounded by roads. Forming the outskirts of Wennington it is considered that the fields surrounding this application site form a buffer for Wennington to the A13 and to Aveley to the east.
- 5.15 A Landscape and Visual Impact Assessment has been submitted in support of the application. This suggests that although the site itself is good quality arable land, it sits within a generally despoiled landscape, partly due to the presence of a number of infrastructure corridors but also owing to a number of poorly restored landfill sites in the area.
- 5.16 During the life of the site it is acknowledged within the aforementioned Assessment that there would be a short term landscape impact. However, it is suggested that the impact on the character of the area would be of only low to medium significance. The relatively flat nature of the site together with the presence of existing boundary hedgerows limits the public views into the site. And it is considered that the proposed visual and noise attenuation bunds would furthermore limit potential views of the site.
- 5.17 The proposed restoration of the site is discussed later in this report. However, for completeness, it is suggested that there would be no long term impact on the landscape value as the site would be restored to existing levels and agricultural use.
- 5.18 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Of note in respect of this development, it is detailed that proposals should harness the topographical and ecological

character of the site and complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

- 5.19 In terms of visual impact it is considered that the views of the site from Church Lane, Wennington Road and the A1306 (New Road) and the properties along these would change as a result of this development coming forward. The proposed screening bunds and increased hedgerow planting together with the proposed low level processing plant would to some degree limit this impact. However, visually the site during the nine year operation period would change. The proposal would be intrusive to the existing landscape and characterised by operational machinery, plant and HGVs. Stockpiles of material are also likely to dominate the landscape and represent the active nature of the site.
- 5.20 It is nevertheless noted that the aforementioned concerns generally go hand in hand with any quarry and therefore consideration has to be given to if the impacts associated are significant enough to warrant refusal, in context that the site is identified within a mineral safeguarding area and the Council currently does not currently have a seven year sand and gravel landbank. Policy DC43 of the LDF states that within Green Belt, planning permission will only be granted for ready mix concrete plant and other secondary aggregate processing plants at current mineral working sites. Although this is not an existing mineral working, the processing plant proposed is intrinsically linked to the operations and would be removed once restoration is complete. On-site processing is generally favoured, subject to the site being able to effectively accommodate such processing without undue impact, because it limits the number of vehicle movements associated. For example, if processing is proposed off-site a vehicle is required to take the mineral from the source to the site where it is processed. Once processed another vehicle is required to collect the material and distribute it for on-ward use. On-site processing, in theory, therefore cuts out three vehicle movements.
- 5.21 The processing plant would be located within an active phase of the quarry which when viewed with the bund heights would, at ground level, be largely hidden. The landscape impact of the mineral extraction, over the nine year period of operation, is unavoidable. However, in context that the mineral planning authority need to give great weight to the benefits of mineral extraction and currently do not have a sufficient reserve of sand and gravel as per our landbank apportionment in the London Plan it is not considered that the landscape impact with suitable mitigation controlled by condition would be sufficient to warrant refusal.

Ecology

- 5.22 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58.
- 5.23 The submitted Phase 1 Ecological Assessment suggests that the site only supports a low diversity of floral species in the form of improved grassland set-

aside buffers and species-poor hedgerows. A wet ditch lines part of the southern boundary but vegetative habitats, on the site, are of very low value. It is suggested that the restoration of the site has the potential to improve the ecological value of the site.

- 5.24 The application site is not designated as an area of particular nature conservation or importance and as such the conclusions of the submitted Assessment are not questioned. However, it is noted that the site is located within close proximity to the Inner Thames Marshes SSSI and Rainham Marshes Nature Reserve.
- 5.25 The Inner Thames Marshes form the largest remaining expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching level of international importance. The Marshes also support a wide range of wetland plant and insects with a restricted distribution in the London area, including some that are nationally rare or scarce. Whilst the SSSI is located some distance from the site, it is considered that the proposal does have the potential to cause harm to it. Ground waters that drain to the SSSI pass through the area under consideration and it is therefore considered that the proposed removal of water (de-watering) from the site during mineral extraction and its diversion to an adjoining watercourse; the proposed infilling of the site with material that may alter the site's qualities as a groundwater pathway and introduce contamination; and the use of a soakaway during the course of operations, could result in adverse impacts on the SSSI's status.
- 5.26 A specific assessment of the measures proposed to off-set any such impact can be found below. However, with regard to ecological impact and the integrity of the SSSI, Natural England has subject to the imposition of a number of conditions not raised an objection to the proposal. In context of this it is considered that the development would not result in ecological impacts sufficient to warrant refusal and be deemed contrary to policy DC58 of the LDF.

Geology, Hydrology and Flood Risk

- 5.27 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be

secured through conditions attached to the planning permission or a legal agreement.

- 5.28 It has been suggested that topsoil/overburden at the site ranges in depth from 0.25m to 1.2m. The depth of the sand and gravel stream is between 5.5m and 7.8m, which factoring in the above means a sand and gravel seam thickness of circa 4m to 6.5m across the site.
- 5.29 Within the submitted Hydrogeological Impact Assessment it is suggested that the Thames region receives an average rainfall of 690mm per annum, with an average effective rainfall of 250mm per annum. For clarity average rainfall is the average amount of rain per annum whereas average effective rainfall is the percentage of rainfall which becomes available to plants and crops. A number of drainage ditches currently intercept surface water run-off and direct flow towards a larger/main ditch in the southern eastern corner of the site. Here run-off is directly towards a pond which is culverted beneath Wennington Road. This then continues southwards towards a network of drainage ditches and streams associated with the SSSI.
- 5.30 Given the sand and gravel geology of the site, the site is classified as a secondary aquifer and as working is proposed below the water table, de-watering would be required. The conclusion of the Assessment is however that the development, subject to suitable management, would not adversely impact on flood risk, nearby abstractions and/or surface and groundwater quality.
- 5.31 Following initial concerns about the development, and the potential risk of flooding, additional information was submitted to the Environment Agency's satisfaction. This information, submitted and consulted on in March 2014, sought to maintain the existing balancing ditches but increase the size of the proposed pond. The Agency, in respect of this and the development, advised that they were content that a flow device could be fitted to discharge at the pre-development rate of 297 l/s for a 1 in 100 year 6 hour storm event and a suitable freeboard (1m) to accommodate temporary water level rise above the outlet. And as such, the Agency consider after restoration that the site should have a greenfield run-off rate the same as the current greenfield run-off with no additional water being discharged into the Rainham Marshes.
- 5.32 The increased attenuation pond suitably accounts for the fact that the infill material may not be as permeable as the existing geology and it is considered is of sufficient size, with the drainage proposed, not to furthermore raise an objection on flood risk grounds.
- 5.33 Accordingly, with suitable conditions attached to any planning permission granted, it is not considered that flood risk represents a reason to refuse the application. It has been demonstrated that suitable mitigation measures could be implemented to ensure that the site is restored to that as existing in terms of run-off and drainage rates and as such it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

Heritage and Archaeology

- 5.34 A series of archaeological assessments have been submitted by the applicant in an attempt to overcome concerns about the significance of potential historical interest on the site. The Greater London Archaeological Advisory Service (a branch of Historic England) note that the application site lies within an area of high archaeological potential connected with the extensive crop-marks indicative of archaeological features visible on aerial photographs and known (through excavation) early and late prehistoric and Roman settlement and sites.
- 5.35 Historic England note that the results of the evaluation undertaken to date show that there exists within the application site a high density of archaeological features. Features of interest were found across the site but mainly with the northern and eastern parts of the site. Given the nature of the development, the development would involve the wholesale removal of archaeological interest.
- 5.36 Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application. Continuing it details that a balanced judgement will be required in respect of the scale of any harm or loss and the significance of the asset.
- 5.37 Ideally Historic England would like to know the extent and significance of any asset prior to determination of the application. However, accept that due to the costs associated with this that the applicant may be reluctant. Historic England have therefore suggested that in the event that planning permission be granted that a condition be imposed requiring further archaeological evaluation and a method statement for preserving in-situ areas of archaeological remains of high importance. Imposing this condition it is acknowledged, subject to remains of high importance being found, potentially areas within the red line application area may be excluded from extraction. The applicant is aware of this and is willing to accept such a condition. However, request has been made that once the additional work has been undertaken and results known that the Council and Historic England together consider the heritage value against the current landbank deficit before any areas to retained in-situ are defined.
- 5.38 With the aforementioned condition attached, it is not considered the development would give rise to the unwarranted destruction of features of archaeological importance. The development, with the condition requiring further assessment and a method statement, is therefore considered to be compliant with policy DC70 of the LDF.

Highway Impact and Lorry Routing

- 5.39 Access to the site is proposed off the A1306, with a purpose built access proposed to be built at the existing agricultural field access point. In terms of vehicle movements, on the basis of 250 working days it has been estimated that the development would result in 270 vehicle movements per day (135 in and 135 out). This is broken down, by the applicant, as per the below:

- Mineral extraction: $200,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 80$ movements per day (40 in and 40 out)
- Restoration/Infill: $177,000\text{m}^3 \text{ per annum} / 250 \text{ working days} / 9.5\text{m}^3/\text{lorry} \times 2 = 150$ movements per day (75 in and 75 out)
- Treatment: $100,000\text{tpa} / 250 \text{ working days} / 20\text{t/lorry} \times 2 = 40$ movements per day (20 in and 20 out)

- 5.40 On the basis of a ten hour working day, the development would result in an average of 27 vehicle movements per hour – roughly one movement every 2 minutes. Accepting that this is an average, the applicant has sought to assess the potential impact on a higher/maximum level of vehicle movements (up to 38 movements per hour). On such an assessment the development would result in a 2.5% increase in vehicles on the road (12.5% increase when assessing just HGV usage).
- 5.41 Policy DC32 of the LDF details that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. A Transport Statement has been submitted with the application which concludes that the development would not have a detrimental impact on the highway network. With the development operational it has been predicted that there would be a 10-15% increase in maximum capacity level on the A1306/A13 but both roads would nevertheless still be well within their maximum capacity level.
- 5.42 The Highway Authority have assessed the information submitted with the application and undertaken an independent assessment in context of known site conditions and available data. In respect of this, the Highway Authority has raised no objection to the development in terms of trip generation and impact on the road network. Whilst no concerns are raised in respect of capacity, concerns on the impact on the surface and structural condition of the highway are highlighted. In context of the additional HGV traffic a financial contribution towards the maintenance and repair of New Road is sought (£72,726), should planning permission be granted. In addition to the above, the Highway Authority has also recommended details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway to be submitted and approved in written prior to commencement of the development. The Authority would also support an agreed performance specification based on mud and debris being contained within the site because of the speed and traffic flow on New Road.
- 5.43 Further to the above, it is suggested that a condition requiring a road safety audit and that site extraction shall not commence until details of the junctions and alterations to the public highway have been submitted and approved in writing by the mineral planning authority.
- 5.44 Transport for London (TfL), in context of the potential impact to the A13, has also been consulted on this application. TfL, similarly to the position expressed by the Highway Authority, do not expect the proposals to have an impact on the

Transport for London Road Network. Due to the nature of the development, it is nevertheless recommended that a Freight Management Plan be secured by condition. The Plan should aim to mitigate and reduce the number of unique trips in and out of the site; seek the safest vehicles and driver behaviour; require operators of vehicles accessing the site to follow the work-related road risk standards; and for the operator to become members of the Fleet Operator Recognition Scheme or equivalent (achieving at least a Bronze accreditation).

- 5.45 It is noted that a number of the letters of representation received have raised concern about traffic and congestion in this area. The details of the application have however been assessed by the appropriate expert consultees and the conclusion is that the development should not, subject to suitable conditions, adversely impact on highway safety or efficiency. The report commissioned by RAGE is acknowledged but the opinions/conclusions have not been supported by the Highway Authority. It is therefore considered that a refusal based on highway impact could not be justified or supported by planning policies.
- 5.46 Overall it is considered that the vehicle movements associated with this development, when assessed collectively with other approved development in the locality and the existing levels of usage of local infrastructure, would not adversely impact on highway safety or efficiency. It is considered that potential highway impacts associated with the development could be controlled via planning condition and with a lorry routeing plan and financial contribution towards the maintenance of the A1306 secured by legal agreement that the development complies with policy DC32 of the LDF.

Amenity Impacts

- 5.47 Policy DC61 of the LDF, in addition to that detailed previously in this report, states that planning permission will not be granted where the development has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and with developments. This position is furthermore supported by policy DC42. The nearest residential properties to the site are those on the south side of Wennington Road, on the junction with the A1306 (New Road) and those located on Church Lane. The nearest residential property (3 New Road) which directly abuts the application site is located approximately 25m from the proposed site bunding and 40m from the actual extraction operations (measurements from the building). It is considered that in terms of amenity and this development that an assessment in three regards is needed: noise; air quality; and vibration.

Noise

- 5.48 The Technical Guidance to the NPPF expands on the minerals policies outlined in the NPPF. At paragraph 20 of the Technical Guidance it is acknowledged that residents living close to mineral workings may be exposed to a number of environmental effects. With regard to noise emissions the NPPF makes it clear that mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. At paragraph 30 it is stated that subject to a maximum of 55dB(A)LAeq, 1h (free field), mineral

planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed background level by more than 10dB(A). The Noise Assessment submitted with the application demonstrates that the site would operate at 55dB(A)LAeq, 1h which is acceptable in context of the above. It is however acknowledged within the Assessment that during the initial set-up stage of the development, particularly in the engineering of the bunds around the perimeter of the site, an exceedance of the 55dB level may exist but as this would only be a temporary impact it is considered to be acceptable, subject to controls on operating hours.

- 5.49 The Council's Environmental Protection have accepted the conclusions of the submitted Noise Assessment and not raised an objection on noise grounds. A condition requiring noise monitoring and the submission of the results of such monitoring to confirm that the development is occurring in accordance with the predicted levels is nevertheless recommended.
- 5.50 With regard to the above, it is however noted that the applicant has applied for hours of working commencing at 07:00am. In context of the locality and the proximity to sensitive uses, although the submitted Noise Assessment suggests that there would not be a noise issue, it is considered that such early hours of operational could potentially be harmful to perceived amenity value. Indeed it is noted that the East Hall Farm quarry is only permitted to start operations at 08:00am. In view of this, it is considered appropriate to restrict the hours of operation beyond that proposed and not allow operations to commence before 08:00am. When operations commence in the southern half of the site, the area closest to the nearby residential development, it is considered that a more stringent restriction of no operations before 09:00am is appropriate.
- 5.51 With suitable conditions attached any planning permission granted to restrict the hours of operation and ensure that the operations do not exceed an accepted noise level, together with the securement of a lorry routeing plan by legal agreement, it is considered that the development would not give rise to significant noise impacts and as such complies with policy DC55 and the noise aspect of policy DC42 of the LDF.
- 5.52 In respect of this it is also recommended that the applicant be required to form a liaison group, and arrange six monthly meetings throughout the course of the development so that the local community can be kept updated with progress and given an arena to voice concerns about the operation and any unforeseen issues which may arise during the course of the development.

Air Quality and Dust

- 5.53 Policy DC52 of the LDF details that planning permission will only be granted where new development, both singularly and cumulatively, does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan. A specific air quality assessment has not been provided with the application with the applicant considering that the any dust impact is not likely to be significant and could be

suitable controlled by regularly dampening of internal roads, operational areas and stockpiles.

- 5.54 Staff within the Council's Environmental Protection department have requested that a full air quality assessment be secured by condition, in the event of planning permission being granted. This request is considered compliant with the Technical Guidance which acknowledges that dust emissions should be controlled, mitigated and/or removed at source to reduce the potential risk of air quality impacts. It is not considered that the air quality assessment required will likely identify a particular problem and/or issue with the development coming forward. It is just that this will identify suitable mitigation and management of, in particular dust, which will allow the mineral planning authority to retain control should issues develop.
- 5.55 With a condition applied to any planning permission granted requiring the submission of a full air quality assessment it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

Vibration

- 5.56 Similarly to the position above the Council's Environmental Protection department has noted that no assessment of likely vibration emanating from the site has been provided. Subsidence has been raised in a number of the public letters of representation and policy DC55, in addition to covering noise, states that planning permission should not be granted if a development would result in exposure to vibration above acceptable levels, affecting a noise sensitive development. Given the distance of actual extraction from nearby sensitive uses it is not considered that vibration from the activities would likely result in detrimental impacts. That being said, without formal assessment this cannot be confirmed. Staff within the Council's Environmental Protection department have therefore recommended that a scheme that makes provision for the control of vibration shall be submitted to and approved in writing by the mineral planning authority, prior to commencement of extraction.
- 5.57 With a condition applied to any planning permission granted requiring the submission of a vibration assessment it is considered that the development would comply with the relevant stipulations of policy DC55 of the LDF.
- 5.58 Overall it is not considered that the development would give rise to any significant amenity impacts. The application has been considered in context of the locality and other permitted development and subject to appropriate mitigation measures being secured by condition deemed compliant with policies DC52 and DC55 and the relevant aspects of policy DC42 of the LDF.

Restoration and Additional Material Treatment

- 5.59 Site restoration would be progressive but would continue for an additional two year period post final extraction. The void created from the mineral extraction would require the importation of some 950,000m³ of inert material. The applicant works on a conversion rate of circa 1.8 tonnes of infill material per m³

of void which means that approximately 1.7 million tonnes of material would be required for restoration. In respect of this the applicant has however estimated of the material proposed to be imported (as infill) up to a third may be suitable for recycling. The applicant has in view of this, and ensuring that this material is utilised/re-used, suggested that up to 2.5 million tonnes of material may therefore be required to be imported to facilitate restoration. This figure works on the basis of up to 100,000 tonnes of the material imported per annum (800,000 tonnes of the 2.5 million infill material overall) being exported as secondary aggregate to the market.

- 5.60 This site includes approximately 22ha of best and most versatile agricultural land; namely Grades 1, 2 and 3a. In this regard it is noted that no indigenous top soil from the site would however be exported. The topsoil would be stored, during the extraction process, in bunds along the perimeter of the site. Once extraction is complete and the infill material imported, the indigenous top soil would then be re-spread on the site.
- 5.61 It has been suggested that the depth of soils that overlie the mineral, averages 1.3m, the topsoil being of a sandy loam texture approximately 0.3m thick. The subsoil is also sandy in nature, being a mix of sandy loam and sandy silt which gives rise to the high quality soil.
- 5.62 In respect of mineral development, the NPPF at paragraph 144 suggests the local planning authorities should seek to ensure restoration is undertaken at the earliest opportunity and to high environmental standards. The Technical Guidance to the NPPF details that applicant's as part of reclamation schemes should demonstrate that the site can be reclaimed to an acceptable standard and after use. It is suggested that appropriate conditions should be imposed by the local planning authority to ensure that the restoration and after use is achieved. It is nevertheless detailed within the NPPF and the Technical Guidance that bonds or other financial guarantees to underpin restoration and aftercare conditions should only be sought in exceptional circumstances.
- 5.63 Acknowledging that this is best and most versatile land, it is noted that concern has been raised about the loss of this resource and the potential implications on food production. Best and most versatile land is however often high quality because of the geology and ground formation – i.e. being underlain by sand and gravel. Whilst this is a consideration, the fact that a site is of such quality is nevertheless not considered a reason on its own to prevent a development coming forward. Subject to suitable restoration, the quality of the land can be maintained and as such, in the long term, there should not be a loss in resource.
- 5.64 Policy DC42 of the LDF in respect of restoration states that sites should be restored to the highest standard and to a beneficial and acceptable after use in line with Green Belt objectives. Where extraction involves grade 1, 2 or 3A land, the site should be restored to its former characteristics with workings being phased to ensure the maximum amount of land is retained in agricultural use. Policy W4 of the Joint Waste Development Plan in this regard states that

disposal of inert waste by landfill or as part of reclamation should be essential and involve the minimum quantity of waste necessary.

- 5.65 The restoration scheme proposed as part of this application would see the site returned to its former levels and an agricultural use. The imported infill material, when at the correct height, would be ripped to a depth of 0.5m and objects with a face length greater than 150mm hand-picked. The indigenous sub-soil and topsoil, stored in the bunds around the site during extraction, would then be spread. To increase biodiversity to the site, and allow for any reduction in site permeability, two shallow ponds/wetland areas would be created in the south west and south east of the site. A five year aftercare period, to ensure that the site is returned to an agricultural use of a similar productivity as existing is suggested and it is accepted that this could be secured by planning condition.
- 5.66 Natural England, in response to the above, are broadly satisfied with the soil management and reclamation proposals. However, Natural England has suggested that it is important that a soil profile of 1.2m is restored above the fill and this is made up of at least 0.4m of loamy sand topsoil. It is suggested that this could be ensured by suitable condition, in the event that planning permission is granted. It is also advised that DEFRA's Good Practice Guide for Handling Soils should be followed for both topsoil and sub-soil management and movement. With the aforementioned conditions attached to any planning permission granted it is considered in principle the site could be restored in compliance with that required by policy DC42 of the LDF.
- 5.67 In respect of the above, it is considered that the restoration profile has been designed to utilise the minimum amount of inert material, in accordance with policy W4 and not result in a restoration profile incongruous to the existing landscape. The element of recycling and proposed type of infill material to achieve this, in context of the Green Belt designation and such operations being representative of inappropriate development is nevertheless explored below.

Green Belt and Very Special Circumstances

- 5.68 In consideration that this is best and most versatile land, and guidance previously referred in the NPPF, the London Plan and LDF it is considered that restoration to existing levels and agriculture is the most appropriate form of restoration.
- 5.69 In terms of the proposed material to be imported to fill the void, it is noted that the applicant is proposing to 'treat' or process an element of this prior to use with the restoration. This is proposed as the applicant has noted that an aspect of market available restoration material often contains a percentage of aggregate and this is a commodity which can be removed prior to use. Whilst this does add an additional process to the development it is accepted that this is proposed purely to ensure that the restoration material proposed to be used is appropriate and of the highest quality. The restoration material available to the market could be utilised within the project as existing (i.e. without the

processing) but it is likely that this would result in a lower quality restoration. Furthermore, working on to the other extreme, if the applicant purely sought to import pre-treated material it is likely that the development would take longer than nine years to complete because such material is not as readily available. An additional benefit to the processing and production of secondary aggregate, for the Council as the mineral planning authority, is that this is also an additional way of meeting aggregate demand which in turn may reduce the need for further quarries and prolong the existing landbank.

- 5.70 In respect of the above, it is considered that the benefits this additional process would result in outweigh the potential harm to openness of the Green Belt. It is considered that there is an intrinsic link between the three elements of the proposal (the extraction, recycling and infilling) and whilst the development could occur without the recycling it is not considered that the permitting of such operations renders the development inappropriate or unacceptable overall. This is considered to be a mineral led development. It is considered that the processing or recycling has been proposed as a natural step in ensuring maximum rates of recovery and effective restoration.
- 5.71 The Greater London Authority in their consultation response to the application acknowledge this conflict and advise that this (*Green Belt*) impact needs to be balanced against the temporary nature of the operations and plant and that this site does fall within a minerals safeguarding area.
- 5.72 In this instance, the recycling proposed would be tied to the life of the site and it is not considered that with suitable conditions imposed, on any planning permission granted, restricting the material permitted to be imported that suitable scope would exist for the use to operate as a standalone process. Furthermore it is not considered that the granting of such a temporary permission would not set a precedent for development of this nature being deemed acceptable in the future in isolation.
- 5.73 It is accepted that such (recycling) operations would result in some harm to the openness of the Green Belt. However in context that all recycling operations would be contained within the operation and processing area required for extraction and that the additional vehicle movements associated have been included within the submitted assessments it is considered that the benefits to this (additional processing) outweigh the harms. It is not considered that the Green Belt or the purpose/reasons for the Green Belt would be adversely impacted in the long term by this development.

Cumulative Impact

- 5.74 Since this application was submitted extraction of 1.1 million tonnes sand and gravel at the adjacent East Hall Farm has been granted planning permission (planning application reference: P0271.14). An update to the original Environmental Statement was submitted by the applicant in August 2014 seeking to assess if there would be any potential accumulation of impact as a result of the two developments operating simultaneously. The update submitted sought to assess the potential cumulative impact on hydrology, noise

and traffic together with a number of other factors and material considerations. The conclusion of the report and updates submitted is that the developments could occur simultaneous without significant environmental impact. Within the updates submitted it is acknowledged that there are a number of mineral sites in close proximity and all to some degree involve use of the A1306 (New Road). It is however suggested that a number of existing sites, the adjacent Ingrebourne Links golf course for example, are nearing completion and therefore by the time this development would be coming forward such development would likely be complete. An additional consultation has been undertaken by the Council with statutory consultees on this issue and no concerns about potential accumulation have been raised. It is therefore considered that the development could occur in an acceptable manner at the same time as the development at East Hall Farm, subject to the imposition of suitable conditions.

6.0 Conclusion

- 6.1 The London Borough of Havering is required, by the London Plan, to maintain a sand and gravel landbank of 1.75 million tonnes (or 250,000 tonnes per annum). Currently the Council does not have an adopted Minerals Plan, identifying preferred sites, with the Proposals Map to the LDF simply identifying mineral safeguarding areas. Applications coming forward within safeguarded areas are therefore assessed in context of the current landbank position and on an individual basis. The Council does not currently have a landbank reserve of 1.75 million tonnes and it is therefore considered that principle policy support, as per the NPPF, needs to be given to such applications given the importance of maintaining a sufficient supply of mineral to provide infrastructure, buildings, energy and goods that the country needs.
- 6.2 Mineral extraction is appropriate development within the Green Belt and whilst the development would involve a number of temporary buildings and structures to facilitate operations it is not considered that for a temporary period (the life of the operations) that these would significantly impact on the openness of the Green Belt. This is a position supported by the Greater London Authority in their consultation response.
- 6.3 Waste recovery or recycling is proposed to remove secondary aggregate from material proposed to be imported for the purposes of infilling the extracted void. Whilst this if viewed in isolation would be representative of inappropriate development in the Green Belt, in context that this would be tied to the life of the operations and only material which is proposed to be utilised in the restoration would be processed/treated, it is considered that there is an intrinsic link between the two processes and that the benefits to the treatment stage, in realising secondary aggregate and improving the quality of the restoration material, outweigh the harms and impacts that may result.
- 6.4 It is considered that the site could be worked in a sustainable manner without significant impact to the locality. The application has been assessed in context of other approved and planned development in the area and, on balance, deemed compliant with National planning guidance and the relevant policies of

the development plan subject to the completion of a legal agreement and adherence to the recommended planning conditions.

- 6.5 This conclusion is the opinion of staff based on a balancing exercise on planning considerations. It is accepted that Members may reach a difference conclusion.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required for the completion of the legal agreement. The legal agreement is nevertheless required to mitigate/offset potential harms and impacts associated with the development. Staff are satisfied that the contribution required is compliant with the statutory tests set out in the Community Infrastructure Levy Regulations and NPPF in respect to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, plans and associated documents including Environmental Statement (application reference: P1407.13), validated by the mineral planning authority 15/11/2013.