



REGULATORY SERVICES COMMITTEE

27 October 2016

REPORT

Subject Heading:

P1601.15 Ahern Compound, Gerpins Lane, Upminster

Application for the temporary use of the existing Ahern Compound area including ancillary plant, buildings, overnight security and roadways to receive and treat suitable inert soil materials for the restoration of the adjoining Pinch Site

P1605.15 Pinch Site, Gerpins Lane, Upminster

Application for the restoration of damaged land to provide a managed woodland and grassland area with a recreational and amenity after use by the importation and spreading of suitable inert soil materials via the adjoining Ahern Compound

Ward:

Upminster

Lead Officer:

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Planning Manager, Projects and Regulation

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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

The Local Planning Authority has received two planning applications which are intrinsically linked and as such have been jointly assessed. The first of these applications is the proposed temporary use of the existing Ahern Compound area, off Gerpins Lane, to treat suitable inert materials for use within the restoration of the adjoining Pinch site (application ref: P1601.15). The second application is the proposed restoration of the Pinch site to a managed woodland and grassland area, with recreational and amenity after use, achieved through the importation and spreading of suitable inert materials (application ref: P1605.15).

It has been suggested that the Pinch site, which was previously worked for minerals, is poorly restored and the works proposed are necessary to bring the site up to standards adopted by the Forestry Commission and into a beneficial after use. It is proposed that up to 396,000m³ of material would be imported over a 24 month period with the site being fully restored within a further 6 months (so a 30 month period in total). The land levels across the entire site would be raised, with the overall height of the landform increasing by 2m (from 27m to 29m AOD).

In terms of justification, the applicant has, in addition to putting forward an argument about the existing condition of the site, suggested that this site forms an important link in the All London Green Grid and the works would accordingly support the realisation of this network of public open green spaces.

The applications have been assessed on their individual merits, but in context of potential accumulation. In this instance, it is considered that there is an adequate justification for the proposed works and that the development could effectively occur without significant impacts to the environment or locality. Whilst elements of the proposal would constitute inappropriate development in the Green Belt it is not considered that the new landform would significantly impact on the openness and/or conflict with the reason/purpose the land is included in the Green Belt. Accordingly it is recommended that planning permission be granted, subject to conditions and accompanying legal agreement.

RECOMMENDATION

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

- Adherence to a lorry routeing agreement and management plan, which shall first be submitted and approved in writing by the Local Planning Authority;
- A highway maintenance contribution based upon the length of carriageway between the site and the A13 junction and a cost per m² of road agreed with the Local Planning Authority; and
- A scheme for public access to the site, which shall first be submitted and approved in writing by the Local Planning Authority, and implemented in perpetuity.

- 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.

It is therefore recommended that the Assistant Director 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.

Application Reference: P1601.15

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than three 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 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).

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 Local 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 LDF Development Control Policies Development Plan Document.

3. Duration and Cessation – The use hereby permitted shall be limited to a period of 30 months, from the notified date of commencement, after which the use shall cease and the site restored in accordance with drawing titled ‘Restored Landform’, drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the site is used for the purpose in which it has been assessed, to minimise the duration of disturbance, ensure restoration within a timely manner and to comply with policies CP14, CP15, CP16, CP17, DC22, DC41, DC42, DC43, DC45, DC47, DC52, DC55, DC56, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 5.18, 7.4, 7.14, 7.15, 7.16, 7.18, 7.19, and 7.21 of the London Plan.

4. Importation Restriction – No materials shall be imported, treated or stored on the area to which this application unless the materials have been imported with the primary purpose of restoration of the adjacent Pinch site, in compliance with the development permitted, and conditions imposed, on planning application reference: P1605.15.

Reason: To ensure that the site use is intrinsically linked to the proposed works at the Pinch site and to prevent the site operating as a stand-alone facility to which the impacts of such have not been assessed. To furthermore comply with policies CP10, CP14, CP15, CP16, CP17, DC32, DC39, DC41, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 2.8, 5.18, 6.1, 6.3, 6.11, 6.12, 6.14, 7.4, 7.14, 7.15, 7.16, 7.18, 7.19, and 7.21 of the London Plan.

Informative

1. 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.

2. The proposed treatment of material 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.
3. 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.
4. 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.
5. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Application Reference: P1605.15

1. Time Limit/Commencement – The development to which this permission relates must be commenced no later than three 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 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).

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 Local 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 LDF Development Control Policies Development Plan Document.

3. Duration and Restoration – The importation of material shall cease within 24 months of the notified date of commencement. The whole of the application site shall be fully restored to a managed woodland and grassland area within 30 months of the aforementioned commencement date, in accordance with drawing titled 'Restored Landform', drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: In the interests of ensuring the site is restored as soon as possible, to minimise the potential longevity of amenity impacts and in accordance with policies DC22 and DC61 of the LDF Development Control Policies Development Plan Document.

4. 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 30 months from the date of notified commencement.

Reason: To enable the Local 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 CP14, CP15, CP16, CP17, DC22, DC45, DC47, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies 2.18, 7.4, 7.16, 7.19 and 7.21 of the London Plan.

5. Hours of Operation – With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:
 - 0700 – 1800 hours Monday to Friday, and
 - 0700 – 1300 hours on SaturdaysNo operations shall take place on Sundays, Bank and public holidays.

Reason: In the interests of residential amenity and in accordance with policy DC61 of the LDF Development Control Policies Development Plan Document.

6. Import/Export Throughput Restriction – No more than 396,000 cubic metres of material shall be imported to, and no more than 36,000 cubic metres of this imported material shall be exported from, the site in total.

Reason: The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

7. Vehicle Movements - Heavy goods vehicle movements into the approved site access, and Ahern Compound area, shall not exceed 130 movements in and 130 movements out per day, unless otherwise agreed in writing by the Local Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the quantities of material imported and exported, shall be retained at the site at all times, and

shall be made available for inspection by the Local Planning Authority on request within seven working days.

Reason: The development has been assessed on the basis that a given amount of material will be transported to and from the site per annum.

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 land raising, recycling/treatment 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 CP14, CP15, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC53, DC58 and DC61 of the LDF 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. Stockpile Heights – No materials shall be temporarily stockpiled or stored at a height greater than 3 metres when measured from the existing adjacent ground level.

Reason: To limit the visual impact of the operational phase of the development and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 7.4, 7.16, 7.19, and 7.21 of the London Plan.

10. Retention of Soils – No existing topsoil or subsoils shall be removed from the site.

Reason: To ensure any soils stripped from the site are used in the site's restoration, to reduce the amount of material needing to be imported for the site's restoration and in accordance with policy DC61 of the LDF Development Control Policies Development Plan Document Policy and policies W4 and W5 of the LDF Joint Waste Development Plan Document.

11. Phased Development – The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Illustrative Composite Operations Plan', drawing number: 0912/P/O/A v2. Operations shall commence in phase A and progress in alphabetical order.

Reason: In the interests of ensuring a phased restoration, local amenity and in accordance with and in accordance with policies DC22, DC58, DC60 and DC61 of the LDF Development Control Policies Development Plan Document and policies W4 and W5 of the LDF Joint Waste Development Plan Document.

12. Final Landform – Final landform and surface restoration levels shall accord with the landform, and contours, shown on drawing titled 'Restored Landform',

drawing no. 0912/P/R/1 v3, dated 20-10-2015, to the satisfaction of the Local Planning Authority.

Reason: To ensure proper restoration of the site and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

13. Final Soil Coverage – The uppermost 0.5m of the restored landform shall be free from rubble and stones greater than 150mm in diameter and shall be both graded and ripped using appropriate machinery.

Reason: To ensure that the site is properly restored, can effectively be brought into a beneficial restoration use and to comply with policies CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

14. Landscaping – No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

15. Aftercare Scheme – No development shall take place until an aftercare scheme detailing the steps that are necessary to bring the land to the required standards for managed woodland and public amenity use shall be submitted to and approved in writing by the Local Planning Authority. 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 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 CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

16. Early Restoration in the Event of Suspension of Operations – In the event that operations are terminated or suspended for a period in excess of six months, the land shall be restored in accordance with an interim restoration scheme, submitted to and approved in writing by the Local Planning Authority, within six months of the expiry of the six month period.

Reason: To enable the Local 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 CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC63 of the LDF 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 and 7.21 of the London Plan.

17. 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. 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 break-down 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 LDF 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.

18. 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. 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 LDF 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.

19. Dust Management - The development shall be undertaken in accordance with the dust management/mitigation measures detailed within the submitted 'Air Quality Assessment', reference: 34304R2, dated March 2015. Dust shall not be observed crossing the boundaries of the site. The aforementioned measures shall be maintained throughout the period of development.

Reason: In the interests of air quality, to ensure that minimum harm is caused to the amenity and in accordance with policies DC52 and DC61 of the LDF Development Control Policies Development Plan Document.

20. Construction Management/Monitoring Plan - No development shall take place until a Construction Management/Monitoring Plan to control the adverse impact of the development on the amenity of the public and nearby occupiers and adjacent Ingrebourne Marshes SSSI has been submitted to and approved in writing by the Local Planning Authority. The Construction Management/Monitoring Plan shall provide:

- a) details of the working area for the reception and treatment of materials; and
- b) a scheme for monitoring surface water run-off, noise, dust and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities.

The development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction management. Submission of details prior to commencement will ensure that appropriate monitoring occurs to ensure proposed mitigation measures are suitably protecting residential amenity and reducing/minimising dust and surface water run-off to the Ingrebourne Marshes SSSI. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

21. External Lighting – No development shall take place until a scheme for the lighting of external areas of the development, including the internal access roads and working areas, has been submitted to and approved in writing by the Local Planning Authority. 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 CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the LDF 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.

22. Contamination/Risk Assessment – No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary risk assessment which has identified:
 - i. all previous uses;
 - ii. potential contaminants associated with those uses;
 - iii. a conceptual model of the site indicating sources, pathways and receptors;
 - iv. potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (b) shall inform an options appraisal and remediation strategy giving full details of the remediation measures required and how

they are to be undertaken. The strategy must seek to demonstrate/ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990.

- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be undertaken in accordance with the approved details, including any required contingency actions.

Reason: To ensure that the development does not pose a significant risk to those engaged in construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

- 23. Contamination Verification Report – A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of the approved remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any remedial works required to protect those engaged in construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI are completed within a reasonable timescale. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

- 24. Long Term Contamination Management Plan – No development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports before the end of the first year of aftercare. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority within three months.

Reason: To ensure that long-term monitoring and maintenance plans are produced and remedial works are suitably managed and maintained. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

25. Unidentified Contamination – If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect those engaged in the construction and occupation of the development; controlled waters; and/or the Ingrebourne Marshes SSSI and to ensure that any previously unidentified contamination encountered during development is appropriately remediated. To furthermore comply with policy DC53 of LDF Development Control Policies Development Plan Document.

26. Infiltration Drainage Restriction – No infiltration of surface water drainage into the ground at this site shall take place other than with the express written consent of the Local Planning Authority. The development shall be carried out in accordance with any such approved details.

Reason: Infiltrations SuDs, such as soakaways, through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution.

27. 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.

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: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

Background and Additional Information

- 1.1 At the Regulatory Services committee meeting on the 2nd June 2016 Members resolved to defer determination of these applications to allow additional information to be presented. In this regard Members requested further detailed information on:

- Land ownership; and the extent to which land ownership impacts on material planning considerations;
- An update on the position of other waste and mineral development in this area, with regard to HGV use of local infrastructure;
- Further information on the proposed highway maintenance contribution and how this would work in practice; and
- What measures, if any, are proposed or could be secured to ensure that rural verges and hedgerows are not adversely affected by passing HGVs?

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

Land Ownership

- 1.2 Land ownership is not a material planning consideration. Every planning application has to be assessed on its individual merits and whilst potentially less weight could be applied to land or buildings impacted by a development, if in the applicant's ownership or control, staff have to be minded that such buildings or land could at any point be sold. Accordingly, when making recommendations, staff need to be satisfied that the development, irrespective of ownership, would not adversely impact nearby properties or unduly prejudice the development of an adjacent site at a level to warrant refusal.
- 1.3 For reference, in respect of the above and Members concerns, it is confirmed that these sites are in private ownership. The Council does own the land to the north of the site, to the east of Gerpins Lane and south of the recycling centre however, the Council, as an organisation, are not in any way involved with these applications.
- 1.4 With regard to land-use, and in-particular the Council owned land to the north, staff do not consider that this development would in any way prejudice the existing land use or any potential future development of this land. It is noted that the Council owned land does form part of a site allocation with the Joint Waste Development Plan Document for a medium scale composting facility and has also more recently been the subject of an EIA Screening Opinion request pursuant to a solar farm. As it stands the Local Planning Authority are nevertheless not in receipt of any formal planning applications for development on this land. Whilst a detailed assessment of compatibility cannot therefore be undertaken, staff, in context of the type of operation proposed, its duration and after-use, do not consider that this development would likely represent a particular barrier to any potential future development on the land owned by the Council.
- 1.5 In addition to above, staff have furthermore sought to consider the potential impact this development would have on nearby residential amenity, as discussed within paragraphs 7.29-7.31 of the report originally presented to Members. The conclusion of staff is that the development would not give rise to impacts at a level to justify refusal.

Vehicle movements, other sites in the area, and potential mitigation measures

- 1.6 The vehicle movements detailed and discussed in the report presented to Members previously are maximums. The applicant has worked on a worst case scenario in which a vehicle would arrive at the site to dispose material; and leave empty. The assessment has then suggested that a separate vehicle would arrive empty to collect any reclaimed secondary aggregate. In practice it is highly unlikely that this would be the case, as it is not cost effective for the applicant/operator. When sufficient secondary aggregate is produced this would likely be exported via a vehicle which had already brought waste materials in.
- 1.7 In terms of monitoring and management, the recommendation before Members includes, to be secured by legal agreement, the submission and adherence to an agreed lorry routeing plan. This would seek to ensure that vehicles travel to and from the site via the route which has been suggested and assessed, namely; via the A13 and then via New Road (A1306), Launders Lane, Warwick Lane and on to Gerpins Lane. Suggested condition 18 also 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.
- 1.8 With regard to mud and debris on the road and the erosion of roadside verges, suggested condition 17 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 Local Planning Authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.
- 1.9 In respect of potential damage to roadside verges, it will be noted that the recommendation before Members includes a financial contribution towards highway maintenance. This contribution would be calculated on the basis on the length of road from the site to the A13 junction. This contribution would allow the Highway Authority (the Council's StreetCare department) additional funds to rectify any issues which may specifically arise from the development

and the additional use of the roads by HGVs. The contribution would be a one-off payment made by the applicant to which the Highway Authority would be entitled to use as they feel appropriate, noting the CIL Regulations require that any contributions sought must be necessary and directly related to the development.

- 1.10 Members at the committee meeting in June, in respect of vehicle movements and the A1306, also requested an update in terms of other minerals and waste related development in the area. Below is a table providing such information on the main (mineral and waste) developments/sites within the locality.

Site	Development Description	Proposed/Permitted No. of Vehicle Movements	Update / End Date
Rainham Quarry, Launder'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	None – no planning permission exists for vehicles to access site	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	Site restoration expected 2017.

		controlled by condition.	
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 submitted Transport Assessment. However, this is not formally controlled by condition.	The importation of material to complete this project is 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. No processing of material is permitted at this site with all extracted material duly transported to Rainham	Site restoration required by 2026.

		Quarry.	
Wennington Hall Farm (application ref: P1407.13)	Phased extraction of sand and gravel	270 movements a day (135 in and 135 out) over a nine year period	Application refused but appeal lodged. Awaiting further instruction from PINS on procedure.

- 1.11 Given the extent of work required to discharge a number of suggested pre-commencement conditions, it is considered that this development would not actually be able to become operational for a few months, post decision. The applicant has nevertheless also suggested that works on this site would not, in any event, commence until Little Gerpins 2 is complete (noting that the applicant also operates this site) and if Members were of the opinion, that this was an important consideration in terms of accumulation, this could be secured by legal agreement. This has however not formed part of the staff recommendation given the lack of objection from the Highway Authority, in view of existing circumstances. Mindful of the above, it is considered that of the sites identified only East Hall Farm, and potentially The Paddocks, would therefore be operational at the same time as this development.

Further Information and Commentary

- 1.12 For the purpose of clarity, two additional updates are provided on this application. The first of these provides a summary of the site visit which was arranged for Members; and the second provides a summary of the case presented by the Council at a recent public inquiry, pursuant to a similar development at Ingrebourne Hill, in terms of demonstrating consistency with regard to policy interpretation.

Member Site Visit

- 1.13 Following the decision to defer determination of these applications at the June committee meeting, the applicant thought it might be beneficial if Members could visit the site to get a first-hand understanding of the issues and the development proposed. Staff agreed that this would be of some merit, and therefore agreed to assist in arranging such a visit before reporting the applications back to Members.
- 1.14 Acknowledging the difficulty in finding a date which was convenient for all, a visit to this site was arranged for Tuesday 2nd August 2016. This was attended by seven Councillors and a representative of Havering Friends of the Earth. Whilst the details of the application were discussed on-site and a number of clarifying questions were asked, these related to matters of fact and no Member offered any views or opinions which in any could be construed as pre-determination. Members were provided with hand-outs, to assist in terms of orientation, but staff confirm that these were just the plans which were submitted with the application and have been in the public domain since validation.

- 1.15 For the benefit of Members who were not in attendance, the visit involved visiting three sites all owned by the applicant – the application site (Pinch); Little Gerpins 2; and Little Gerpins 1. The Little Gerpins sites were visited on the basis that these offered the opportunity to see an operational site (Little Gerpins 2) and a site which had been restored in a manner similar to that proposed by this application (Little Gerpins 1). As part of the Little Gerpins 1 visit, a presentation was made by the Forestry Commission who now manage this site on behalf of the applicant – a copy of which can be provided to any Member should they wish.

Ingrebourne Hill – Public Inquiry

- 1.16 Some Members of the committee were present at the recent public inquiry held in respect of a similar development, for landraising, at Ingrebourne Hill (application ref: P1066.14) and, although such a direct comparison would not usually be found in a report, staff consider it appropriate to provide a brief summary of the position defended at this appeal and the differences between this application and the appeal development in terms of the weight apportioned to the very special circumstances advanced.
- 1.17 Initially in terms of background, Members may recall that the application at Ingrebourne Hill proposed the importation of material to ‘better’ merge the Hill with Hornchurch Country Park. The application proposed the importation of up to 550,000m³ of material, with the development predicted to result in 200 daily vehicle movements (100 in and 100 out). The proposed timeframe for the development was three years with a further year for restoration. The application was originally refused for four reasons. However, on the basis of legal and expert advice received, three of the reasons for refusal (ecology; amenity impact; and highway impact) were withdrawn with the Council just maintaining the reason for refusal in respect of Green Belt and this representing inappropriate development at appeal.
- 1.18 The appeal was dismissed by the Inspector with it considered, on balance, that although the quality of the land restoration would be improved to a certain extent, it seemed that the other benefits of the scheme would not be particularly weighty. Very little, if any, support for the scheme was expressed by the public users of the site; in contrast many residents said they see no need for the work and object to the length of time the scheme would take and the corresponding loss of the use of the site to the public during that period. Continuing, the Inspector concluded that there would be harm to the openness of the Green Belt during the construction period and until the planting scheme had settled and matured, the site would appear as a man-made landscape which, in the Inspector’s view, would harm the openness and amount to encroachment into the countryside. It was not considered by the Inspector that either individually or cumulatively the benefits to the scheme would outweigh the harm or amount to very special circumstances indicating that planning permission should be granted.

- 1.19 In respect of the above and policy consideration, staff confirm that both applications (Ingrebourne Hill and Pinch) have been assessed in the same way. With staff, in both cases, concluding that the development (the landraising and proposed processing/treatment of material on-site) was inappropriate in the Green Belt. Staff, as part of determination in both instances, sought to assess if very special circumstances existed to outweigh any harms identified and the inappropriateness by definition, as required by the NPPF.
- 1.20 In this case, contrary to the position defended at the Ingrebourne Hill appeal, it is considered that very special circumstances do exist to render this development acceptable. With regard to this, staff consider that the benefits which would be realised in terms of public access to the site, when considered with the site specific circumstances and history, do outweigh the harms to the Green Belt identified during the construction phase of the development. In the Ingrebourne Hill case it was not considered that public access was a significant benefit, in view of existing linkages around the site. The Pinch site does not however offer any public access, as existing, and this benefit has therefore been apportioned greater weight than it was for Ingrebourne Hill. It is also noted that the level of public interest in this development is considerably less than that for Ingrebourne Hill. This is however a matter of judgement and it accepted that Members may give greater weight to other issues when forming conclusions.
- 1.21 The report as presented to Members in June, for reference, is replicated below in context of the above update and additional information.

Report to 02nd June Committee reproduced below.

1.0 Introduction

- 1.1 The Local Planning Authority has received two planning applications which are intrinsically linked (application refs: P1601.15 and P1605.15). Given the link between the two applications, discussed in the body of this, the applications have been assessed jointly although two separate sets of conditions are recommended.
- 1.2 For reference, the reason why two applications have been submitted is due to the fact that the area covered by application ref: P1601.15 already benefits from an Environmental Permit. Had the use of this area not therefore been separated from the importation proposed by application ref: P1605.15 the existing Environmental Permit would have had to have been varied. In the interests of keeping the development separate from that which had gone before it was decided that submitting two applications was the best way forward. An over-arching red-line plan has nevertheless been submitted with application reference: P1605.15 which, in the event of planning permission being granted, would prevent the need to replicate conditions across both applications.

2.0 The Site

- 2.1 The application site is located in the south of the Borough, to the north-east of Rainham and to the south of Upminster. The area to which these applications specifically relate is to the east of Gerpins Lane and combined the two applications form a rough square shaped area, approximately 19 hectares in size. For reference, the Pinch site (the area which is proposed to be raised) is 17 hectares and the Ahern compound area is 2 hectares.
- 2.2 In terms of current appearance, the Pinch site is largely overgrown and although representative of countryside, is not in a beneficial agricultural use. It has been suggested by the applicant that the Pinch site closed in the mid-1980s, following mineral extraction but without the approved restoration completed. Indeed an Enforcement Notice was issued by the Local Planning Authority in 1985 requiring the importation of a metre (depth) of material over the surface capping. However, it understood that this Notice was never complied with. The enforcement notice is therefore still extant.
- 2.3 The Ahern compound similarly has never been restored in accordance with plans previously approved. As existing this site is occupied by a few structures and buildings and an area of hard-standing. With regard to this, landfilling at the Ahern site was completed some 12 years ago but the site is continuing to produce small quantities of leachate. Investigations are on-going in respect of this and it is expected that an application will be submitted in the future to the Local Planning Authority to facilitate the necessary works on this site to resolve this issue, which is currently preventing final restoration.
- 2.4 The nearest residential properties to the site is Dun Graftin which is approximately 200m to the north. Given the rural nature of the area, there are not however any significant areas of residential development in the immediate vicinity. The outskirts of suburban Rainham is circa 1km south-west of the site. Due to existing vegetation along Gerpins Lane and the existing land topography, views of the site are limited from public vantage points and there are no public rights of way across the site.
- 2.5 In terms of designations, the site forms part of the Metropolitan Green Belt and also forms part of the Thames Chase Community Forest. The site is also noted by the Council as being potentially contaminated. In terms of the locality, and nearby designations, to the west of the site, on the opposite side of Gerpins Lane, is Ingrebourne Marshes SSSI.

3.0 Description of Proposal

- 3.1 The driving development behind these two applications is the proposed importation of inert materials which it has been suggested is necessary to provide a managed woodland and grassland with recreational and amenity use at the Pinch site. With regard to this it has been suggested that to create a soil depth of 2m across the site (the depth required for woodland planting) approximately 360,000m³ of materials need to be imported.

- 3.2 It is proposed that soil materials would be delivered to the site by lorry, where incoming materials would either be taken directly to the Pinch site or tipped in the Ahern compound for treatment. The treatment proposed by this application is dry screening which by way of a screening machine, a number of sieves and conveyors, would separate the material imported by particle size. This process would be necessary given the likely waste stream of the inert material. With regard to this, it is considered likely that the majority of material would be coming from building, excavation and construction sites. Whilst the majority of this material would therefore be soils, the processing proposed would allow any bricks or aspects of concrete to be removed. This would ensure that only soil is being used within the restoration and also allows the mixed-in brick and concrete fractions to be realised and re-used as secondary aggregate.
- 3.3 The applicant is unsure as to the percentage of imported material which may contain such fractions but based on previous experience has suggested that up to 10% of material imported may contain such material. In context of this, to realise the 360,000m³ of soil necessary for the restoration, the applicant has indicated that up to 396,000m³ of material may need to be imported. For clarity, only material which is proposed to be used with the restoration of the site would be imported and it is not proposed that loads of aggregate would be imported for the sole purpose of processing.
- 3.4 In terms of the delivery of material, it is proposed that vehicles would access the site from the A13 via New Road (A1306), Launders Lane, Warwick Lane and Gerpins Lane. It is estimated that the development would on average generate 104 daily deliveries (208 movements overall) – 11 in and 11 out per hour. In determining the aforementioned average, a maximum number of 130 daily deliveries (260 movements overall) has been suggested – 13 movements in and 13 movements out per hour.
- 3.5 It is proposed that the proposals would take 30 months to complete and it is proposed that the site be operational 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.

4.0 Relevant History

Application Ref: P0929.94 – Walkers Pit, Gerpins Lane

Description: Install plant for restoration of site involving the removal of material

Decision: Approved with conditions 15/05/1996

Application Ref: P2060.06 – Ayletts Farm Landfill, off Gerpins Lane

Description: Development of gas management system, including treatment wetland, maintenance building, revised landscape proposals, revision of existing planning condition

Decision: Approved with conditions 20/12/2006

5.0 Consultations/Representations

5.1 On receipt of these planning applications, the Council directly notified 28 properties. The applications were also advertised by way of site notice and press advert. No letters of public representation were received in respect of either application.

5.2 Consultation was also undertaken with the following:

Anglian Water – No comments received.

Environment Agency – No objection subject to conditions in respect of land contamination, a long term monitoring and maintenance plan in respect of contamination and a restriction on infiltration surface water drainage.

Essex and Suffolk Water – No comments received.

Essex Wildlife Trust – No comments received.

Greater London Authority – These applications do not raise any new strategic planning issues and the works are to remediate damaged land created by previous mineral extraction. The site will return to its Green Belt status, once complete, and in respect of this it is understood that the Forestry Commission is involved - all of which is supported. Under Article 5(2) of the Mayor of London Order, the Mayor does not need to be consulted further on these applications.

Havering Friends of the Earth – No comments received.

Historic England – No objection.

Highway Authority – Whilst it is accepted that the development is unlikely to create any capacity issues, concerns are raised about the increase in HGV traffic putting further strain on the structural condition of Gerpins Lane, Warwick Lane and Lauanders Lane.

London Borough of Havering Environmental Protection – No objection in terms of air quality provided the mitigation measures proposed are implemented. With regard to land contamination it is recommended that prior to commencement of the development, the applicant be required to submitted a Phase III (Remediation Strategy) and Verification Report to ensure that the site is restored to a suitable condition for the intended use.

London Borough of Havering Lead Local Flood Authority – No objection.

Metropolitan Police – No objection.

National Grid – Due to the presence of National Grid apparatus in proximity to the specified area, the applicant should contact National Grid before any works are carried out to ensure that apparatus are not affected by the proposed works.

National Planning Casework Unit – Confirmation of receipt received but no formal comments provided.

Natural England – No objection subject to conditions. This application is located in close proximity to Ingrebourne Marshes SSSI however, Natural England are satisfied that there is not likely to be an adverse impact on the designation subject to the development being carried in accordance with the details submitted. Conditions nevertheless recommended include the submission of a construction management plan to reduce/minimise the risk of dust and contaminated surface water reaching the SSSI.

Thames Chase – No comments received.

Thames Water – No comments to make.

Thurrock Council – No comments received.

Transport for London – Whilst it is accepted that the proposed development is unlikely to have a significant adverse impact on the TLRN, it is noted that parking provision is not covered in the Transport Statement and it appears that assumptions made about the likely arrival and departure of vehicles without specialist input. Due to the nature of the development, the submission of a construction logistics plan is recommended as a condition should planning permission be granted.

Woodland Trust – No comments received.

6.0 Policy Context

- 6.1 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.
- 6.2 For decision-taking the NPPF 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.

- 6.3 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).
- 6.4 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.
- 6.5 The following policies of the LDF Core Strategy and Development Control Policies Development Plan Document are considered relevant to this development: CP7 (Recreation and Leisure), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC22 (Countryside Recreation), DC32 (The Road Network), DC33 (Car Parking), 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), DC60 (Trees and Woodlands), DC61 (Urban Design), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations).
- 6.6 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).
- 6.7 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), 2.8 (Outer London: Transport), 2.18 (Green Infrastructure: The Multi-Functional Network of Green and Open Spaces), 4.1 (Developing London's Economy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality and Wastewater Infrastructure), 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), 7.4 (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), 7.18 (Protecting Open Space and Addressing Deficiency), 7.19 (Biodiversity And Access To Nature), 7.20 (Geological Conservation), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy).

7.0 Appraisal

Principle of Development

- 7.1 The justification for the development to which these applications relate stems from improving a poorly restored former quarry. It will be noted that a number of similar types of development have recently been determined by the Local Planning Authority – some approved and some refused. In respect of this the applicant has established a relationship with the Forestry Commission and are exploring opportunities to regenerate poorly restored sites identified within the All London Green Grid Area 3 Framework. The document titled 'Little Gerpins – Brownfield Land Regeneration in the Thames Chase Community Forest', produced by the Forestry Commission, identifies four brownfield opportunity areas for improvement subject to commercial opportunities, due diligence and planning. The four sites identified are:
- Little Gerpins 2;
 - Pinch & Ahern;
 - Ingrebourne Hill (Phase 3); and
 - Baldwins Farm
- 7.2 These four sites it is suggested by the Forestry Commission would increase the Public Forest Estate within the Thames Chase Community Forest by over 40% and the regeneration of these sites would strengthen links across the Community Forest and create a continuous east-west link – important for both people and wildlife.
- 7.3 As alluded to above, planning permission has already been granted for the importation of inert material to improve the quality of the land and allow woodland planting at Little Gerpins 2 (application ref: P1637.14). Planning permission was however refused for a similar scheme at Ingrebourne Hill (application ref: P1066.14). The reasons cited for this refusal was that it was considered that the proposal would give rise to noise, dust and other disturbances that would result in a significant adverse impact on wildlife and the adjacent Ingrebourne Marshes SSSI; would, during the construction phase and following the completion of the development, result in significant harm to the openness of the Green Belt; would be harmful to the amenities of local residents owing to dust nuisance, noise, visual impact and reduced air quality during the construction phase of the development; and would by reason of the high number of HGV movements result in congestion on the local road network, causing inconvenience to road users and pedestrians. This application is currently subject to appeal, with a public inquiry due to be heard in August.
- 7.4 In context of the above, whilst the principle of the All London Green Grid and the regeneration programme of the Thames Chase Community Forest are

noted, it is considered that this alone does not provide a sufficient reason or justification for all types of development (or regeneration). It is considered that the development/scheme has to be considered on its individual merits in context of the potential impacts.

7.5 From a waste policy perspective, policy W4 of the Joint Waste DPD states that planning permission for waste disposal by landfill will only be granted when the water to be disposed of cannot practicably and reasonably be reused; and the proposed development is both essential for and involved the minimum quantity of waste necessary for:

- a) the purposes of restoring current or former mineral workings sites;
- b) facilitating a substantial improvement in the quality of the land;
- c) facilitating the establishment of an appropriate after-use; or
- d) improving land damaged or degraded as a result of existing uses and where no other satisfactory means exist to secure the necessary improvement; and

where the above criteria are met, all proposals should:

- i) incorporate finished levels that are compatible with the surrounding landscape. The finished levels should be the minimum required to ensure satisfactory restoration of the land for an agreed after-use; and
- ii) include proposals for high quality restoration and aftercare of the site, taking account of the opportunities for enhancing the overall quality of the environment and the wider benefits that the site may offer, including nature and geological conservation and increased public accessibility.

7.6 With regard to this, if the justification for the development is accepted, the development is considered to comply with this policy as the minimum quantity of material is proposed to be imported (360,000m³) to achieve the specifications required by the Forestry Commission. The development would furthermore increase public accessibility, as per criteria ii). In respect of the processing proposed, which would remove any contained aggregate from that imported, it is considered that this complies with policy DC41 of the LDF and principles further encouraged in the London Plan. The processing proposed by this application it is considered to be secondary to the primary regeneration of the site and has only been proposed to ensure that the material used is of the highest standard. It is not considered that this and the development, in general, would have any significant repercussions for the restoration of other active sites in the Borough, in terms of material availability, and it is not considered likely that the applicant would struggle to find suitable material, in context of the recent upturn in the economy and construction industry.

Green Belt

7.7 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.

7.8 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.

7.9 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.

7.10 With regard to the above exclusions, the topic of when an engineering operation involving the importation of material effectively becomes waste disposal is a bit of grey area in planning. Government guidance on this topic is limited but in 2009 DCLG released a letter which suggested that projects involving the importation of more than 100,000 tonnes of waste are less likely to be undertaken if the material being used was not waste. In such circumstances development is likely to constitute a waste disposal operation (land raising) rather than that of recovery. It is nevertheless considered that each application has been considered individually, in context of the justification and site history.

7.11 In this instance, in context that this is a former quarry that was never restored in accordance with the approved scheme, it is considered that there is an argument that the land raising proposed could be defined as engineering. That being said, it is noted that the proposed restoration landform is higher than that approved previously (as part of application ref: P0929.94) - involving the importation of 120,000m³ more material. Furthermore it is noted that primary processing of the material imported is proposed and this, in any respect, is not an appropriate use of the Green Belt. An assessment of the increased land level, to that approved previously, and the impacts associated with the processing is therefore considered necessary to determine if the very special circumstances or justification for the development outweighs the potential harm by reason of inappropriateness.

Landscape and Visual Impact

- 7.12 A Landscape and Visual Impact Assessment has been submitted in support of the application. This suggests that visual intrusion would be limited to a few roads and private properties surrounding the site. The identified receptors nevertheless are considered only to have a moderate to low sensitivity of impact, with the exception of those living at Stonebridge Farm and Dun Graftin. Due to the nature of the views and the time scale proposed for the works, whilst the impact is considered moderate to high during the short term for these two properties, in the long term it is suggested that the development would be beneficial in improving the landscape quality.
- 7.13 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.
- 7.14 In terms of visual impact, as alluded previously, it is noted that views of this site are largely limited from public vantage points. With regard to this, it is not considered that the increased land level would appear excessive in the landscape and it is not considered that the re-profiled landform would be uncharacteristic and appear dominant or intrusive. It is considered that during the operational phase of the development, the lorry movements together with the use of the Ahern compound as a treatment/processing area for imported soils would change the nature of use of the site. In respect of this it is however noted that this is, as existing, an active compound area of limited visual appeal.
- 7.15 With regard to openness, it is accepted that the proposed use of the Ahern compound area would have an impact on the perceived openness of the Green Belt. However, in context of the current appearance of this area it is not considered that the temporary use of this site for the treatment and processing of material proposed to be utilised on the Pinch site would significantly impact on the existing openness of the Green Belt. Application reference: P2060.06 which relates to the Ahern site, and the compound area, includes a restoration scheme for this area and it is noted that conditions pursuant to this permission require the existing on-site management office to be removed by December 2016. Whilst it could be argued that this development is therefore prolonging an inappropriate site/use in the Green Belt, in context of the leachate issues at the Ahern site and that this site has yet to be completed, it is not considered that the restoration would be prejudiced by this development.

Ecology

- 7.16 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.

- 7.17 The submitted Phase 1 Ecological Assessment suggests that the site is only of low botanical value overall. A number of habitats were nevertheless noted, some of which would be suitable for a range of protected species. With regard to the proposals it is noted that during the operational phase of the development, approximately 13.5ha of low quality habitat would be lost and this in turn could have an impact on ground water flows and hydrology.
- 7.18 A specific assessment of potential hydrological impact can be found below. However, in respect of ecological impact and the integrity of the SSSI, Natural England has, subject to the imposition of conditions, not raised an objection to the proposal. Accordingly, 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.

Hydrology and Flood Risk

- 7.19 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.
- 7.20 This site is not located within a flood zone and the Hydrological Assessment submitted with the application notes that there are no historical records of flooding. The main drainage feature on the site is an unnamed watercourse that flows adjacent to the north western boundary. Other drainage ditches drain the surrounding fields to the south-west and east of the site. It is acknowledged within the submitted Hydrological Assessment that there is a moderate groundwater flood risk across part of this site, but this risk is considered low in context of the proposed development.
- 7.21 The proposed land raising and new landform would have steeper slope gradients which would increase run-off rates. On the basis of a 1 in 100 year storm/flood event the run-off from the site would increase from 7,691m³ (356 l/s) to 10,176m³ (454 l/s). Whilst it is not suggested that this would likely result in any impacts or increased flood risk elsewhere, in context of the nearby SSSI, and habitats supported, outflow from the site is proposed to be controlled to pre-development rates with attenuation storage for 2,485m³ proposed in new drainage channels and basins across the site. Accordingly, with the drainage scheme implemented it is not considered that the development would give rise

to any increase in flood risk. Accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

Heritage and Archaeology

- 7.22 This site is located in area identified as having high archaeological potential for the preservation of prehistoric, Roman and Medieval settlement and also some Anglo-Saxon burials. 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.
- 7.23 Consultation has been undertaken with Historic England and it has been confirmed that the development would not likely have a significant effect on heritage assets of archaeological interest, given the former site use and restoration.

Highway Impact and Lorry Routeing

- 7.24 Access to the site is proposed primarily from the A13 and then via New Road (A1306), Launders Lane, Warwick Lane and Gerpins Lane. It is estimated that the development would on average generate 104 daily deliveries (208 movements overall) – 11 in and 11 out per hour. In determining the aforementioned average, a maximum number of 130 daily deliveries (260 movements overall) has been suggested – 13 movements in and 13 movements out per hour. To confirm the above figures work on the basis of 396,000m³ of material being imported to the site – the maximum figure which has been suggested is necessary to realise the required 360,000m³ of restoration material.
- 7.25 A review of the existing road use and capacity has been undertaken as part of the Transport Statement submitted in support of the applications and the conclusion of this is that Launders Lane, Warwick Lane and Gerpins Lane currently at are 17.2%, 42.9% and 11.9% capacity, respectively. With the maximum number of vehicle movements forecast in to this assessment, these roads would be operating at 20%, 45.4% and 15% capacity. It is therefore suggested that the development would not give rise to any significant impacts on highway efficiency.
- 7.26 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. The Highway Authority has assessed the information submitted within the submitted Transport Statement and has accepted that the development would not likely create capacity issues. In respect of this, the Highway Authority has however raised concerns about the impact the additional vehicle movements could have on the structural condition of the roads proposed to be utilised. In context of this, it is suggested that should planning permission the applicant be required to make a financial contribution towards highway maintenance. This contribution, it is considered, would allow the Highway Authority to assess the affected roads

on a more frequent basis, with a sufficient budget to undertake any remediation works required. It is acknowledged that Launders Lane, Warwick Lane and Gerpins Lane were not constructed to handle large numbers of HGV movements. However, the carriageway is at least 5m wide along the stretch of road that would be used, with the exception of the bridge crossing on Warwick Lane which narrows to 3.7m. Whilst ideally a local distributor road, a road likely to be used by HGV on a regularly basis, would have a minimum width of 6m, in context of the temporary period of use and that two vehicles could pass simultaneous it is not considered that this is a reason to refuse planning permission in isolation. Indeed similar types of developments have been granted planning permission with HGV routing plans utilising these roads.

- 7.27 In addition to the financial contribution, it is considered that details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway could also be required by way of condition, together with the Freight Management Plan, as suggested by TfL. This Plan it is noted would 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).
- 7.28 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 significantly impact on highway safety or efficiency. It is considered that potential highway impacts associated with the development could suitably be controlled via planning condition and legal agreement and accordingly it is considered that the development complies with policy DC32 of the LDF.

Amenity Impacts

- 7.29 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 Dun Graftin and Gerpins Farm to the north and Stonebridge Farm and Epsticks to the south. There are also a few residential properties along Berwick Pond Lane to the west and along Aveley Road to the east, although these are circa 500m from the site as the crow flies. It is considered that in terms of amenity that an assessment in regards of noise and air quality is required.

Noise

- 7.30 The Technical Guidance to the NPPF, at paragraph 30, states that subject to a maximum of 55dB(A)LAeq, 1h (free field), Local Planning Authorities should aim to establish a noise limit at noise sensitive properties that does not exceed background level by more than 10dB(A). A Noise Impact Assessment has

been submitted with these applications. This demonstrates that, with the exception of working in Phase C, the noise levels from the site would not exceed the background noise level by more than 10dB(A) at the nearest residential properties. With regard to Phase C, a 12dB (A) increase above background noise levels is predicted. However, as the noise level predicted (50dB(A)LAeq, 1h (free field)) is below the maximum level potentially suggested as acceptable in the NPPF Technical Guidance (55dB(A)LAeq, 1h (free field)), it is not considered that such impacts would be sufficient to warrant refusal.

Air Quality and Dust

- 7.31 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. An air quality assessment has been submitted with the application and this suggests a number of mitigation measures to ensure that emissions are suitably controlled. With such measures secured by way of planning condition it is suggested that any such impact would be negligible. This opinion has been supported by the Council's Environmental Protection department who subject to the above have raised no objection to the development coming forward. As such, it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

Restoration and Public Access

- 7.32 As alluded previously in this report, this is a former mineral working which has not been restored in accordance with the details previously approved, when extraction was granted. The land profile and restoration proposed as part of this application is in attempt to realise the aspirations of the All London Green Grid and specifications required by the Forestry Commission to manage the land post completion.
- 7.33 The NPPF and policies of the LDF both seek to ensure that restoration of former mineral sites is to a high environmental standard. In this case, whilst the Pinch site has been restored, it is not considered that the restoration is of a particularly high standard. The Pinch site forms an important link in the Green Grid network, forming an east-west connection from Ingrebourne Hill (Hornchurch Country Park) to Belhus Woods Country Park, and it is considered that the engineering works would help achieve these aspirations. As existing, the site is of no public benefit and whilst the operational phase of the importation works would likely give rise to some impacts, in the long term it is considered the proposals could realise a number of significant environmental and social benefits. With regard to this, an important benefit which could be secured is public access to the site. As considered previously (in the determination of application reference: P0929.14), one of the benefits of allowing this development is that public access can be secured by way of legal agreement. For reference, should Members refuse this application and request be made to pursue the Enforcement Notice, referred in paragraph 2.2, public access to the site could not be secured.

Green Belt and Very Special Circumstances

- 7.34 As concluded earlier in this report, whilst engineering operations are representative of appropriate development in the Green Belt, waste disposal and/or the processing of such material is not. Inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances to outweigh any harms is clearly outweighed. As demonstrated above it is not considered that this development would likely give rise to any significant environmental or amenity impacts at a level to warrant refusal in their own right. The justification for the development (the very special circumstances) it is considered also includes a number of benefits which are supported by guidance in the NPPF and policies in the London Plan and LDF.
- 7.35 With regard to this and the perceived impact on the openness of the Green Belt, the Ahern compound is well screened from public vantage points and it is not considered that the machinery proposed would appear particularly out of character. It is accepted that that this site is supposed to be in its final stages of restoration however, it is considered that the existing issues with the Ahern site are going to delay this. Although this application does propose an additional, temporary, use of the compound area, it is not considered that this would nevertheless delay the restoration of the Ahern site. Furthermore any planning permission granted would only allow material to be processed in association with the restoration of the Pinch site and the use would be required to cease after 30 months (the proposed length of the project).
- 7.36 The activities proposed on this site would represent inappropriate development in the Green Belt. It is however considered that these activities are intrinsically linked to the proposed restoration of the Pinch site. The restoration of the Pinch site would realise a number of social and environmental benefits and it is considered that any increased harm on the openness of the Green Belt, during the short term, would, in this instance, be suitably outweighed by other material planning considerations.
- 7.37 In respect of the landform itself, whilst this would be higher than the profile as existing, and that previously approved pursuant to the historical mineral extraction, the landform proposed is considered in keeping with the area. As noted by the GLA, the works proposed by these applications are seeking to remediate damaged land and return the site to its former Green Belt status and value. Accordingly, although there would be a temporary impact on the openness of the Green Belt during construction, as discussed above, in the long term it is considered that new landform would not significantly impact on the openness and/or conflict with the reason/purpose the land is included in the Green Belt.

8.0 Conclusion

- 8.1 The proposed development has been assessed in relation to the following matters:

- The principle of development, in particular, whether the proposal would constitute appropriate development in the Green Belt, and whether the proposal would be in accordance with policies relating to the disposal of inert waste by landfilling;
- The visual impact of the proposal;
- Whether the proposal can be operated in a manner that is not significantly harmful to local amenity, or the amenities of neighbouring occupiers;
- Whether the proposed access arrangements and generation of traffic would be significantly harmful to highway efficiency and safety;
- Whether the proposal would have an acceptable impact in relation to a range of environmental considerations, including air quality, flood risk and drainage and ecology;
- Whether the proposal can be restored to an acceptable standard;
- Whether very special circumstances exist that clearly outweigh the harm, by reason of inappropriateness and any other harm.

8.2 On balance, staff conclude that there are very special circumstances in this case, which outweigh the harm to the openness of the Green Belt, and any associated visual harm, in particular the improvements to recreation, open space and nature conservation compared to the existing situation. In all other respects, the proposal is considered to be acceptable.

8.3 This conclusion is the opinion of staff based on a balancing exercise on planning considerations.

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 forms, plans and associated documents including Environmental Statement submitted with planning application references: P1601.15 and P1605.15, validated by the Local Planning Authority 01/12/2015.