



Application Reference:	P2076.17
Location:	Rainham Marshes Silt Lagoon, Coldharbour Lane, Rainham
Ward:	Rainham and Wennington
Description:	Revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons from that originally prepared for extant permission L/HAV/2819/79, involving the reconfiguration of topographic levels.
Case Officer:	Paul Roberts
Reason for Report to Committee:	A Councillor call-in has been received.

1 BACKGROUND

- 1.1 The application site has a long history dating back to 1980 of operating as silt lagoons, being the location where dredge material from the Thames and other local waterways was deposited. This work halted in 2007 for commercial reasons. This proposal seeks to propose a restoration plan for the site following completion of the dredging activity which is different from that originally approved.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposal seeks the continuation of dredging works already established at this site under a previous long-standing planning permission. The final restoration plan has been devised in conjunction with the RSPB and Natural England and involves the reconfiguration of topographic levels on the site. This results in change to land levels and the wetland environment as compared to the existing baseline, resulting in the need to assess the impact on certain environmental receptors. This forms the basis of the Environmental Statement which has been submitted covering the following matters:
- Visual Impact;

- Ecology;
- Environmental Health;
- Flood Risk.

Transport and cumulative impacts are also reviewed.

- 2.2 The continued operation and works to form the final restoration plan are not considered to have significant environmental impacts that cannot be mitigated through the proposed development and through conditions on planning approval. The final form of the development will accord with the aspirations for the London Riverside Conservation Park.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:

Conditions

1. Time Limit – development to be commenced within three years
2. Accordance with Plans
3. Ecological Management and Mitigation – details of surveys, measures and mitigation to protect and enhance biodiversity
4. Dust Mitigation Plan – to preserve air quality during works
5. Odour Prevention – Effective management of odour from the site
6. Final Restoration Plan – On completion of dredging works
7. Archaeological Investigation – Prior to commencement

Informatives

1. INF28: Approved with no negotiation
2. Environment Agency Informatives

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application is seeking planning permission for a revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons. The works proposed are a revision of that consented by planning permission L/HAV/2819/79, with a change to land levels, wetland environment and importation levels as compared to the previously approved baseline.

- 4.2 The 1980 planning consent related to 2 lagoons which, with the associated infrastructure, was constructed to receive non-hazardous dredged spoil, an operation which discontinued in 2007. This application seeks to recommence that operation. The dredging will be delivered to the site by road, river (via the jetty adjacent to the Veolia site to the south) or pumped ashore via existing networks and will consist of non-hazardous dredging materials removed from the tidal and non-tidal regions of the River Thames and the River Medway together with dredgings from docks, tributaries of these water courses and other waterbodies within these catchments. The dredged material will be placed in drying beds until ready to be placed in the final restoration area. In addition to the dredged material it is proposed that materials excavated during the course of the works along tidal and non-tidal regions of the River Thames together with that delivered to the site by highway will be imported to the site for use in the restoration of the site.
- 4.3 Restoration of the site will take place over a sequence of 6 stages. The restoration will commence in the north western area of the site before moving east into the Phase 2 area, then south west into the Phase 3 area. After finishing the Phase 3 area works will move in their entirety to the north eastern boundary of the site to commence Phase 4 before moving south for Phase 5. Finally works will return to the Phase 6 area which is the current working plant and stock pile area. Stock piles will be located adjacent to the operation management area at the central southern point of the site with haul routes established to provide direct access to individual phased areas
- 4.4 There will be three distinctive types of restoration consisting of Restoration Type 1 (drier mounds up to +11.5mAOD with tussocky grassland) consisting of dredged material with a non-cohesive layer of 600mm on top. Restoration Type 2 consisting of dredged material with a 1200mm cohesive layer on top and a 300mm growing material as the top layer with gravel and cobbles in valley floors where topographic levels allow. Restoration Type 2 area provides seasonally wet swale at points which provide a connection between the southern and northern areas, and the predominant land form itself at ground level is sparse scrub planting. Restoration Type 3 is a series of wetland areas with islands which are connected by ditches which in turn connect to existing overflow. In the restoration of wet areas the make-up of the ground consists of dredged material followed by a 1200mm cohesive layer and 300mm growing material however where low topographic levels allow a 300mm water level is proposed to create a wetland environment. Within the restoration plan the existing water course channel is retained and the fresh water course to the south of Coldharbour Lane is unaffected.
- 4.5 In terms of scale the proposed works would result in a landform reaching the scale of 11.25 AOD, adding a maximum of approximately 5 metres in height to the current situation and 4 metres from that referred to in the original consent. The greater scale would be located towards the southern boundary of the site along Coldharbour Lane. The wetland areas are to be located in the northern parts closer to the A13. A 1:12 bund would run around the periphery of the site with a minimum height of 5.2 metre AOD. The amount of material to

be delivered is set at the maximum allowable under the Waste Management Licence for the site, being not in excess of 350,000 tonnes per annum.

- 4.6 The final restoration objective is the construction of a bird sanctuary and wetland environment. The masterplan has been prepared in conjunction with the port of London Authority, the RSPB and the Environment Agency. The applicant, Land and Water Remediation Ltd are responsible for the works to the silt lagoon and the restoration of the site.

Site and Surroundings

- 4.7 Rainham Silt Lagoons are located to the south of the A13 and north of Coldharbour Lane and cover an area just under 120 hectares. The site is accessed off Coldharbour Lane and sits opposite Rainham Landfill. The land to the immediate west forms part of Rainham Marshes and is used for public recreation and animal grazing. Beyond that to the south and west are a series of industrial and commercial operations lying within the London Riverside Business Improvement District. To the west of the site is Wennington Marsh, which is managed by the RSPB.
- 4.8 The application site is located within the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and is also part of a site of Metropolitan Importance for Nature Conservation. The northern part of the site also falls within an area safeguarded for the Channel Tunnel Rail link. There are a number of other Sites of Importance for Nature Conservation within a 2km radius of the site. The nearest residential properties to the site are approximately 230m, to the north, as the crow flies.
- 4.9 The vast majority of the site is made up of silt lagoons, for which the Port of London Authority has a 50 year license (until 2050) from the RSPB.

Planning History

- 4.10 The following planning decisions are relevant to the application:

L/HAV/2819/79 - Proposal is to construct two lagoons to receive dredged spoil, together with associated pipe work, weirs etc. – Approved May 1980

P0189.16 – Highway improvement works to facilitate access and deliveries to the site compound associated with works permitted by planning application ref: L/HAV/2819/79 – Approved August 2016

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 The following were consulted regarding the application:

Transport for London – No objections

National Air Traffic Services - No safeguarding objection

Environment Agency (Statutory Consultee) – Following further detail information, no objections to the proposals. Planning Informatives suggested.

Natural England (Statutory Consultee) – Support the proposals.

Historic England – No objection subject to a condition requiring further detail of the impact works could have on this Archaeological Priority Area with provision for subsequent fieldwork if required.

Port of London Authority – Support the proposals

RSPB – Support the proposals

LBH Highways - No objections.

LBH Environmental Health – Conditions in respect of dust and odour required.

6 COMMUNITY ENGAGEMENT

- 6.1 The developer consulted with local stakeholders including the Port of London Authority, RSPB and the Environment Agency. The proposed scheme reflects that discussion. A screening and scoping exercise was also undertaken with Havering Council.

7 LOCAL REPRESENTATION

- 7.1 A total of 125 neighbouring properties were notified about the application and invited to comment. The application was also been publicised by way of two site notices displayed in the vicinity of the application site and it was publicised in the local press.

- 7.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 comment

Petitions received: None

- 7.3 The following Councillor made representations:

- Councillor David Durant called in the application to understand its purpose and the impact on future plans for a Conservation Park in the area.

Representations

- 7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Comments

- Will the proposal affect flooding locally? (Officer Comment: Discussed in the Flooding and Drainage section below).

8 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

- Principle of Development
- Visual Impact
- Ecological Impact
- Flooding and Drainage
- Transport

- 8.2 Principle of Development

The site lies within a designated Site of Specific Scientific Interest (SSSI) and also the Rainham Marshes Nature Reserve. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural environment by protecting and enhancing visual landscapes, conservation interests and soils. Havering policy CP15 seeks to reduce environmental impact, address the causes, adapt to, and mitigate the causes of climate change. CP16 states that the Council will seek to protect and enhance biodiversity and geodiversity and put in place a framework for the delivery of the London Riverside Conservation Park which encompasses this site.

- 8.3 The proposal under consideration is a restoration plan for a site which has been receiving dredged spoil from the Thames and other waterways since the early 1980's, works that stopped in 2007 but the applicant is seeking to restart. It is understood that importation of dredged materials ceased due to economic factors. The Port of London Authority have secured the services of another operator (Land & Water Services Ltd) who are in the process of recommencing the works.

- 8.4 The original consent L/HAV/2819/79 did not include conditions limiting operations. Consequently, the operation as approved is unfettered by any constraint in planning terms except for the plans submitted with the original proposal. These show that the completed land rising from between 4 metres to 7 metres AOD. This application would afford ongoing infilling until the 6.5 metres to 11.5 AOD levels shown on the proposed restoration plans are reached. This submission sets out the ecological, landscape, hydrological and pollution impacts of the proposed works and their impact on the environment. These matters are dealt with below.

8.5 The application site is referred to as part of the London Riverside Conservation Park which is allocated by the Council's policy SSA17. The policy identifies the overall area forming a Site of Special Scientific Interest that is owned by both Havering Council and the RSPB. This proposal has been drawn up in conjunction with the RSPB who are supportive of the restoration plan. The scheme will ultimately facilitate the delivery of finalised lagoons and restoration of the site and create biodiversity improvements taking a positive step towards the long term delivery of the London Riverside Conservation Park.

8.6 Visual Impact

A Landscape and a Landscape and Visual Impact Assessment was submitted with the planning application to assess how the restoration scheme integrates into the surrounding landscape and establish if mitigation is required to address any impact.

8.7 The site is located on the River Thames floodplain and the general area is marshland, forming part of the Rainham, Wennington and Aveley Marshes designated as a Site of Specific Scientific Interest (SSSI), the largest remaining expanse of wetland bordering the upper reaches of the Thames. The area was for a long period owned by the Ministry of Defence and remained generally undisturbed. Since the 1960's sit lagoons have developed with the deposition of material leading to the landscape now in place.

8.8 In terms of relationships with the surrounding area, the site is located to the south of Rainham south of the transport corridor which contains both the A13 and Channel Tunnel and C2C rail lines as well as electricity pylons. These pieces of infrastructure act as a barrier between the urban part of Rainham and the industrial and open landscape to the south. The most prominent feature as viewed from the north is the Veolia landfill site. In terms of other views the site is visible from the industrial area off Ferry Lane and Coldharbour Road and Aveley Marshes (RSPB reserve) to the south east and also from cycle and pedestrian/walking routes in the vicinity.

8.9 The final restoration plan would result in a notable change to the landscape in terms of topography. Notwithstanding the permitted pipework and other infrastructure, the raised land as compared to the original 1-2m AOD marshland is a prominent and alien addition into the marshland landscape. However that marshland landscape has already been significantly altered, both on the site with the presence of the existing 5 metre high bunds but also significantly to the south with the landfill feature found on the Veolia site. In the short term it is accepted that there will be negative impacts on existing habitats and features whilst the dredging operation is ongoing but once the phases are completed the integration of the landscape into the wider RSPB nature reserve will be represent a positive feature. Views of the site are restricted to limited locations, away from urban areas with long views of the scale of the landscape set into the context of the 40 metre high adjoining landfill site. Overall it is concluded that whilst there will be some short term disruption, the final landscape devised in conjunction with the RSPB will sit in

keeping with the evolving appearance of the area alongside the substantial Veolia site to the south.

8.4 Ecological Impact

The Environmental Statement was supported by an ecological reports and surveys covering the following: reptiles; Water Voles and Otters; breeding birds; wintering birds and Great Crested Newts. The surveys revealed evidence of some species and recommendations are made in respect to further survey works and mitigation as outlined below.

- 8.5 There were 46 species of bird found on the site, 18 of which had breeding colonies, four listed in Schedule 1 of the Wildlife and Countryside Act 1981, as well as ten Species of Principal Importance (SPI) for biodiversity conservation in England under the Natural Environment and Rural Communities (NERC) Act 2006. In the short term, the works will have negative consequences and recommendations are made in terms of the timing of habitat clearance. Such recommendations will be carried forward via planning condition. The reptile survey revealed that site accommodates a population of common lizards, which without mitigation measures be potentially compromised during works. In that regard a reptile mitigation method Statement should be agreed with the Council prior to works being undertaken.
- 8.6 In respect to water voles, a survey was undertaken in 2017 which recorded good/excellent quality of habitat at this site. Water voles are fully protected under the Wildlife and Countryside Act and as such a Mitigation Method Statement will be required to be reviewed and approved prior to the commencement of works to incorporate necessary protection measures and potentially translocation of water voles to sites elsewhere, including to newly created locations to compensate for the loss of any high quality sites here. This will be subject to consultation with Natural England.
- 8.7 No otters were found on site although the habitats contained on it are suitable for them. That said, a pre-construction survey should be undertaken to confirm absence and a precautionary method of works statement be followed during works. The Ecological Report states that in order to protect invertebrates survey work is undertaken and appropriate mitigation measures undertaken.
- 8.8 An application to the Environment Agency for an abstraction license from the adjacent Common Water Course has been made in order to be able to pump fresh water on to the site as required to maintain areas of potential water suitable for wading birds. This will allow of habitat such as scrub, tall ruderal, wet grassland, dry acid grassland, and areas of shallow standing water to be created. The phasing of lagoon clearance and filling will contribute to a range of habitats on site, rather than clearing all of them at the same time. As the entire site will need to be stripped of vegetation eventually, much of the existing habitat will change. As the plan is to reopen lagoons sequentially there are some ecological measures that will enhance the site during this process.

8.9 In general terms, this renewed development and restoration presents an opportunity to restore the SSSI to favourable conditions at this site in line with national and local planning policies. It is recommended that proposals for ecological enhancements at the site should be outlined within a detailed Ecological Mitigation and Management Plan (EMMP) to be informed by the results of the recommended further surveys. This will capture all the recommendations referred to above and ultimately enhance biodiversity on this important SSSI site.

8.10 As regards soil and water management and landforming, the applicant is being obliged by the Environment Agency to vary the existing Environmental Permit, which will likely be reclassified as a Non-Hazardous Landfill site. The applicant will work with the Environment Agency to monitor impacts of surface water and groundwater.

8.11 Environmental Health

The Environmental Health team requested that conditions in respect of odour control and dust are attached to ensure that the development does not undermine the quality of the environment locally. The dredged material is non-contaminated and will be controlled via Environment Agency permits.

8.12 Flood Risk

Paragraph 149 of the NPPF states that, Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change¹, taking full account of flood risk, coastal change and water supply and demand considerations. Paragraph 155 states that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test. In terms of local planning policies, Policy DC48 on 'Flood Risk' of LBH's '*Development Plan Document*' 2008 emphasises 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. The policy highlights that the use of SUDS must be considered.

8.13 Policy DC51 on 'Water Supply, Drainage and Quality' from the LBH's '*Development Plan Document*' 2008 seeks to promote development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems. Whilst Policy CP15 on 'Environmental Management' Quality' from the LBH's '*Development Plan Document*' 2008 seeks to reduce environmental impact and to address causes of and to mitigate the effects of climate change, construction and new development to 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; whilst having a sustainable water supply and drainage infrastructure.

8.14 The site in question is predominantly in Flood Zone 3 having high levels of probability of flooding (1 in 100 year or greater). Although flood defences reduce the risk of flooding they cannot completely remove that risk as defences could be over topped breached in a severe storm event. The applicant produced a Flood Risk Assessment alongside the application which on the request of the Environment Agency was added to in June 2018 with an addendum taking in more recent flood data The FRA modelled 1 in 200 year flood defence breach events with a strip of land between lagoons used as a haul route being flooded with the rest of the site non-flooded. There have been a number of flood events at Inner Thames Marshes including January 1968, November 1974, October 1992, December 2000, December 2002/January 2003 and July 2012. It appeared that most of the flood events occurred due to channel exceedance rather than failure or under performance of any specific structure within the surrounding main rivers. Flood events observed are not the result of a breach of the main flood defences beside the River Thames therefore tidal flooding is not the main cause of flooding near the site. Flood risk associated with the works is also low.

8.15 In summary, the impact of flooding on the site is low and the impact of the works and the interventions on the surrounding environment is also low. The Environment Agency have confirmed that they raise no objections to the proposal.

8.16 Transport Impacts

The applicant secured consent for highway works to the site in 2016 (Ref:P0189.16). This application secured planning permission for highway improvement works to Coldharbour Lane to facilitate the delivery of materials into the site and the site compound.

8.17 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. In the course of the aforementioned application the Highway Authority assessed the information submitted and the likely increase in trip generation as a result of road deliveries, and accepted that the development would not likely give rise to significant highway safety or efficiency issues. Material would be received either via the Port of London's wharf, from which an internal private haul road through Rainham Landfill exists, or via the public highway (if material is coming from beyond the River Thames, the Medway and their tributaries). Vehicle movements associated with the deliveries via the wharf would be up to 60 per day (120 movements); and deliveries via the public highway between 12 and 50 per day (so between 24 and 100 movements). No objection is raised to the development from a highway perspective and the as it was not considered that the additional vehicle movements would give rise to congestion at a level to be deemed significant. Both the Council's Highway Officer and TfL reviewed this application and raised no objection. In light of the above it is not considered that the impact of traffic generation has been reviewed and not considered significant.

8.18 Environmental Statement summary

The Environmental Statement highlights that temporary adverse impacts may be experienced associated with the construction phase in term of ecological, environmental health and visual impacts, however these can be mitigated by the proposed development and the planning conditions attached. The overall impact of the development is assessed as a mixture of temporary and permanent adverse and beneficial outcomes which are detailed more fully in the Environmental Statement. Overall however it is considered that the proposed restoration will be of high quality and will be benefit of the immediate and wider locality, to biodiversity and is in accordance with the expectations of the site in Development Plan terms.

Conclusions

- 8.19 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.