

CABINET SUPPLEMENTARY AGENDA

14 January 2026

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

11 ARNOLD'S FIELD WORKS- CONTRACTS AWARD (PHASE 1) (Pages 3 - 16)

The report attached to this item did not unfortunately reproduce correctly in the main agenda pack. The correct report is therefore now attached.

**Zena Smith
Head of Committee & Election
Services**

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CABINET

14th January 2026

Subject Heading:

Arnold's Field Works - Contract Award (Phase 1)

Cabinet Member:

Cllr. Ray Morgon, Leader of the Council

ELT Lead:

Helen Oakerbee, Director of Planning and Public Protection

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Policy context:

Public Protection and Public Health.

Following the recent determination of "Contaminated Land" at the site, there is a pressing need to stop the frequent, ongoing fires at the privately owned Arnold's Field which cause smoke/pollution that affect the health and quality of life of local residents.

Financial summary:

Council funding of up to £300,000 for Phase 1 of temporary works (pending permanent solution to the fires). Funding may be sought for future phases of temporary works with ongoing maintenance. The Council does not accept any liability for the future costs of the works as we are not the landowner, and the costs should be borne by the landowner.

Is this a Key Decision?

Yes – Although only materially affecting one Ward, the significant impact on the community is thought to merit this matter being taken as a Key Decision for maximum transparency.

When should this matter be reviewed?

January 2027

Reviewing OSC

Place Overview & Scrutiny Sub-Committee

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

People - Supporting our residents to stay safe and well ✓

Place - A great place to live, work and enjoy ✓

Resources - Enabling a resident-focused and resilient Council

SUMMARY

Due to the determination, on 16 October 2025, that the Arnold's Field site is now formally identified as "contaminated land", it became urgent and necessary to seek to stop (or significantly reduce) the cause of the adverse effects on human health before the next annual cycle of fires/smoke (likely to start in the approach to the summer of 2026).

As reported to residents at the public meeting on 25 November 2025, the Council has been in dialogue with the site landowner with a view to having initial works carried out at the site – aiming to be completed by 30 April 2026. These works will focus on the areas which were either responsible for most of the fires in the 2025 summer fire season and/or are most likely to be the seat of fires in 2026.

These initial works (known as "Phase 1") are regarded as a temporary means to halting or reducing the fires to provide some interim relief to residents and do not constitute a permanent solution or full coverage of the site. The success, or otherwise, of Phase 1 will be reviewed to provide learning for any further works.

Due to the impact on public health and the need to take all necessary reasonable steps to facilitate the achievement of the works, consideration has been given to the Council providing funds, without prejudice and with no acknowledgement of responsibility for clearing up the wider site, of up to £300,000 for the Phase 1 works. This was noted in the Cabinet report (17 September 2025) on "Launders Lane (Arnold's Field)" to achieve a "voluntary temporary solution" (at least in part) in 2026.

Whilst, at the time of drafting this report, the Council and the landowner have differing views as to the best way forward to achieve the desired result, there exists (at this time) a common commitment to meet the required works timeline.

The Phase 1 works are estimated to take up to three months and, in order to finish in April, they should begin in February. However, the preliminary drone surveys (currently being procured), will not bear results until the start of January and the detailed specifications and any alternative proposals for works cannot be developed until after those results are available.

Consequently, the timeline is tight – particularly in the context of the timescales required for the Council's governance and procurement processes.

This report therefore seeks Cabinet approval to delegate authority to officers to decide on the nature of the initial (Phase 1) works to be conducted and either to directly award a contract for those works or to support the landowner's alternative proposed works (if they would achieve a similar or better outcome).

RECOMMENDATIONS

It is recommended that Cabinet Members agree:

1. In principle, to the proposals for the Phase 1 works for Arnold's Field (as set out in this report) (without prejudice and with no acknowledgement of responsibility for works across the wider site) to be a maximum value of £300,000.
2. To delegate, to the Strategic Director of Place in conjunction with the Strategic Director for Resources, authority to:
 - a. procure and award a contract for Phase 1 remedial works at Arnold's Field as set out in this report; and/or
 - b. Consider alternative arrangements on required works from the owner
 - c. negotiate and enter into any contracts and ancillary arrangements required to give effect to the recommendations in this report
3. To waive the Contracts Procedure Rules, as required, to give effect to the recommendations in this report.

REPORT DETAIL

Background

1. Arnold's Field on Launders Lane, Rainham, RM13 9FL (the "Site") is a former legal landfill (1960s/70s) that is privately owned. Between circa 2002-2014, the site was subject to illegal activities, including significant fly-tipping, firearms storage and drug cultivation. The volume of illegal waste dumped, combined with the site not being managed in the manner of an authorised landfill, is the root cause of the present ongoing fires (since 2018) and smoke which have become a hazard to the health of local residents.
2. From 2004 to 2018, a range of enforcement action was taken in relation to the site by the Council, Environment Agency and the Metropolitan Police and, between 2022 (following a significant number of fires that summer) and 2025, the Council also carried out air quality monitoring, commissioned an intrusive soil investigation, arranged testing of the watercourse, sampled for asbestos in the air, analysed health impact data and has explored options for stopping the fires (see EPG Capping Options Appraisal report – link in list of Background Documents at the end of this report).
3. Of the three options explored for stopping the fires, only one (albeit a temporary mitigation) appeared to be economically viable and achievable within a timescale to bring a swift halt to, or a substantial reduction in, the smoke from fires.

4. In October 2025, the Council formally determined the site as being “contaminated land” within the meaning of Part 2A of the Environmental Protection Act 1990.
5. Subsequently, the Council has continued its discussions with the current private landowner (who acquired the site in 2017) with a specific aim to seek to implement measures, by April 2026, to stop or significantly reduce the fires/smoke in order to minimise the harm to the health of local residents. The fires tend to mostly occur during the warmer summer weather – often beginning as early as May.
6. Subsequent also to the contaminated land determination, the Council invigorated its engagement with EPG (Environmental Protection Group) for advice and further development of the option in the appraisal report that appeared to be most economically viable and achievable within the required timescale.

Cement Polymer Covering and Phased Works Proposal

7. That option is known as cement polymer covering (CPC) – previously referred to as “hydro-mulching”) and involves the surface clearance of vegetation, light compaction of the surface, a layer of up to 30cm of soil for levelling, spray-applied hydro-seeding and hydro-mulching and the spray application of a thin layer of a cement/polymer mix. These works will be in the relevant area of the site being focused on.
8. CPC works on the basis of significantly reducing the amount of air/oxygen that can reach the hot degraded waste underground thereby significantly reducing a key component required for the production of fire. CPC is the Council’s preferred option for moving forward at this stage as it currently appears to be the best option (lowest cost and quickest to implement) to achieve the necessary temporary relief from the adverse health impacts.
9. The polymer (known commercially as PosiShell) – whether mixed with cement or not – is a relatively new concept which, although used in the USA, has not been used in these circumstances in the UK before and so is a unique and novel approach. The polymer supplier advises that, in the appropriate circumstances, a CPC approach could last up to five years as a temporary solution.
10. The Council envisages that a main contractor would be appointed to carry out the preliminary “earth” works (clearance, compaction etc.) with a specialist sub-contractor to carry out the “spraying” works. Through EPG, initial discussions are underway with a number of potential suppliers.
11. According to London Fire Brigade data, fires have been occurring at the site since 2018. Through anecdotal information/recollections, it appears that – whilst these fires may have been spread over a wide span of the site in each

year – the cluster/locations of the fires within the site have moved over consecutive years. The movement of the concentration/clustering of the fires appears to have been from north to central to south. During 2025, the majority of the fires appear to have been in the south of the site (particularly along the stretch of the A1306).

12. It would not be possible to treat the entire 17-hectare site by April 2026 and so a pragmatic decision needs to be made as to what can be achieved in the time available. This is notwithstanding the risk of stopping the occurrence of fires in one area but, due to airgaps/passages underground, the fires may reappear in a different part of the site.
13. There is some speculation that the movement of the locus/clustering of the fires over the years might reflect that the site is burning itself out and that some parts (including the southern stretch) may already have exhausted the viable fuel supplies and that the fires have therefore virtually burnt themselves out. However, it is extremely difficult to predict or say for certain whether that is the case and it is not worth the risk to assume that there is negligible future risk from fires.
14. Consequently, the view of the Council and EPG is that the aforementioned southern stretch of the site is where initial works should be focussed on as a first phase ("Phase 1"). This is thus anticipated to prevent a significant number of fires in 2026 and thereby significantly reduce the harm to health being experienced by residents.
15. This would be the first phase in seeking to stop all potential fires across the site. Through regular inspection and maintenance, the effectiveness of the approach in Phase 1 could then be assessed/reviewed and a decision made as to how then to proceed to other areas of the site as later phases.
16. EPG is developing a full remediation/mitigation strategy and a detailed specification for the Phase 1 CPC works. This will be informed by drone and topographical surveys (due to provide results in early January 2026) which will provide information to assist in identifying the specific areas of the site that should be focused on in the first phase.

Planning Position – CPC

17. The current landform of the site is unauthorised and subject to enforcement notices issued in 1996. The preventative CPC works proposed would make limited change to the landform. In these circumstances, and given the need to address current issues, these proposed preventative works would not be something that, in themselves, would change the planning status.
18. It would therefore not be proportionate to require a planning application for the retention of the whole landform (which is what would be required - the preventative works cannot be granted planning permission in isolation) nor to take any further enforcement action in respect of these proposed works.

19. This would not prejudice the ability to take enforcement action against the whole of the landform as it exists today.

Landowner

20. Nevertheless, it must be noted that the site (Arnold's Field) is privately owned and it is the responsibility of the landowner to ensure that their site is safe and does not cause harm to others. Other than the erection of gates to prevent unauthorised entry to the site, the landowner has not taken any substantive steps to stop the fires since they began in 2018. The action the Council is therefore proposing to take is without prejudice and with no acknowledgement of responsibility for undertaking clearing or other works across the wider site.
21. The Council, in performance of its public protection and public health duties, is seeking to bring an end to the health hazard caused by the smoke from fires but, at this stage, can only do so with the permission and active engagement of the landowner. Such permission is the quickest way to achieve a (at least temporary) cessation/reduction to the fires because an enforcement route (via a Remediation Notice) would result in a timeline well beyond the April 2026 deadline.
22. The landowner has publicly stated that their preference is to receive planning permission to develop the site and that such development would generate the revenue needed to fully and permanently remediate the entire site. However, the landowner has also publicly acknowledged that such a process would take many years (possibly seven) to be completed and may not even start promptly after the receipt of planning permission due to the need for permits from the Environment Agency. It must also be noted that the landowner has not yet submitted a full planning application.
23. On the basis that a planning application may be submitted and may be successful, the Council's proposal for a temporary remediation to mitigate the fires through CPC works would provide, in the form of reduced adverse health impacts, some interim relief to residents. However, the landowner has previously been disinclined to support the CPC approach on the basis that it is not in line with the type of works they would wish to do under their longer term model.
24. Recently, the landowner has been more open to exploring CPC as potentially a hybrid approach and has recently aired a couple of alternative ideas for initial works to provide interim relief to residents. However, these ideas are at a very early stage and will need to be developed further (particularly when the drone information is available) before a decision can be made on their apparent practicability, effectiveness and timeliness for implementation before the summer.
25. If the landowner is able to produce, within a suitable timeline, detailed and developed alternative solutions (for works completion by 30 April 2026) to

achieve a substantive initial stop to (or significant reduction in) the fires which the Council, in conjunction with our advisors (EPG), consider to have an equivalent or greater impact than the CPC proposal then the Council would work with the landowner to support the delivery of the relevant alternative solution.

Timeline and Contract Award Strategy

26. The matter of the fires at the Arnold's Field site and the negative impact on the health of residents has been the subject of much local, national and international concern. Therefore significant effort was deployed to understand the nature of the situation at the site (and its impacts) in order to be able to decide whether or not the site was "contaminated land" under the Environmental Protection Act.
27. Consequently, following the contaminated land decision in October 2025, there is only a short timescale available to ensure that a scheme of works can be put in place and completed by April 2026 to put an effective stop (or, at least, a significant reduction) to the fires and smoke. It should be acknowledged that it would likely be impossible (not least for health and safety reasons) for works to be carried out if fires were regularly happening (as they often do from May onwards).
28. Scoping/planning is proceeding at pace. Additionally, given all the preparations that will be needed to deliver on such sensitive works on this scale and as the site does not belong to (and is not in the control of) the Council, consideration has been given to how best mitigate any delay.
29. As the project is time sensitive and the timeline of necessity ambitious, the proposal is for Cabinet to approve, in principle, the proposed Phase 1 approach and costs, with implementation delegated to officers. This method is considered to mitigate, to the best extent, any delays which might be occasioned by internal Council processes.
30. Through EPG, discussions have been opened with three potential main suppliers with a view to getting initial quotations on prices based on an outline specification then, when the fuller specification is available (following the drone surveys), robust quotations can be sought.
31. The main suppliers are general earthworks contractors who would be expected to subcontract the spraying work to relevant specialist subcontractors.
32. Having received the quotations based on the final specification, Council officers would then assess them, select the optimum option available and then make a direct award of contract.

33. The initial intention of the Council would be to pursue (with the permission of the landowner) a works contract based on the cement polymer covering (CPC) approach.
34. However, as above, if the landowner does develop one or more alternative solutions that would achieve a similar or better outcome within the timescale then officers would look to support that solution (instead of or alongside CPC).
35. Whether the CPC works or an alternative solution is pursued, suitable monitoring arrangements would be put in place to check the effectiveness of the works from May 2026 onwards.

Costs

36. Based on the EPG desk-study options appraisal, the previous Cabinet report (Sept 2025) estimated the cost of a temporary voluntary solution (ie. the landowner agreeing to CPC) to be around £300,000. This was not for the whole site but, without the benefit of drone imagery, was intended to cater for the parts of the site that were thought to be at notable risk of fire (ie. those with active indications of burning).
37. On the basis that the works would start in February or March 2026 and finish in April 2026 this would mean the spend on this contract would span two financial years (2025/26 and 2026/27).
38. For the Phase 1 works described in this report, it is expected that works may cost between £200,000 and £300,000. However, given the uniqueness of the CPC approach, there may be additional “front loading” to ensure the desired outcome so the full sum of £300,000 should be allocated for this phase to cover for any unexpected eventualities. This should include any inspection and maintenance costs in the first year after deployment.
39. The alternative proposals from the landowner are still to be developed but have initially been estimated, by the landowner, to be in the range between £85,000 and £215,000. However, once full details have been supplied by the landowner, the efficacy of these alternative proposed solutions will need to be thoroughly assessed by the Council.
40. If financial support is provided to the landowner for interim/temporary works, it is not envisaged that reimbursement (or a charge on the property) would be expected. Any payments would be retrospective based on agreed criteria.

Liability

41. All works can only proceed with the permission and agreement of the landowner and, although funded and possibly managed by the Council, become the responsibility of the landowner once in place. The proposed CPC Phase 1 works, if they proceed, would be carried out without prejudice and

with no acknowledgement of any responsibility on the Council's behalf for any clearing or other works (CPC or otherwise) across the wider site.

Risks

42. There remains a risk that the landowner may submit an application for a judicial review against the determination of the site as contaminated land. Although the application may fail at the first hurdle (if it is deemed to have no prospects) and although an application, per se, would not affect the ability to embark on voluntary works, the submission of such an application would likely indicate an unwillingness, on the part of the landowner, to proceed with a voluntary arrangement for works to be carried out.

REASONS AND OPTIONS

Reasons for the decision:

The site (Arnold's Field) has now been formally identified as contaminated land and so the Council must take steps to seek remediation of the land and to seek resolution of the negative effect on human health in relation to local residents.

Although the current landowner has ultimate responsibility and liability for the site (and would have been responsible for due diligence in purchasing the site), it is recognised that they were not the owners at the times of unlawful dumping of the waste that is the root cause of the problems.

Consequently, providing support for a voluntary temporary remediative solution, would be an effective use of public resources to achieve significant interim relief to local residents.

Other options considered:

- Do nothing
 - The Council would be in breach of its duties if it failed to take any steps to seek remediation of the site and alleviation of the effects of the contamination/pollution.
- Immediately pursue enforcement
 - The process of enforcement (initially through issuing a Remediation Notice) and finding/pursuing the original polluters (and owners at the time of the pollution) prior to any possible formal action against the current landowner would take time well beyond the threshold for any works to be completed prior to the 2026 summer fire season which would leave residents exposed to the risk of an ongoing health hazard from land that has already been declared as contaminated.

IMPLICATIONS AND RISKS

Financial implications and risks:

Due to the time sensitive nature, this report is seeking permission to progress a temporary solution for Arnold's Field. However, the exact approach at this stage has not been confirmed as the landowner (not the Council) has alternative options which the authority should consider alongside its preferred solution. A drone survey will also require review to inform the process which will not be known until late January 2026.

The report requests Cabinet approval to award a contract from the Council to an appropriate contractor or to support the landowner's alternative proposed works (if they would achieve a similar or better outcome). It must be stressed that this solution does not cover the whole 17 hectares but targeted to where there is a higher perceived risk of fires next summer. The Cabinet Report (September 2025) highlighted that a permanent solution may cost anywhere between £5m and £10m.

This one-off funding is not available from the service budget given the decision to identify as contaminated land was reached in October 2025. This situation is moving at pace, and the authority has reached out to the Ministry of Homes, Communities and Local Government (MHCLG), Department for Environment, Food and Rural Affairs (DEFRA) and Greater London Authority (GLA) for potential financial support. In the meantime, the funding is earmarked from the Corporate Contingency Fund.

The cost of this decision is contained up to £300,000, however, further funding will likely be required to complete the temporary solution if the authority solution is pursued to cap the whole area of Arnold's Field. This would be by way of a separate key decision.

It should be noted that the authority is not accepting any liability of the future costs of the works as we are not the landowner and the costs should be borne by either the original polluters or the landowner. The authority has received Counsel advice stating that the Council's actions to remediate a particular section does not lead to our acceptance of liability for the wider site.

Financial Risks

The landowner may not agree with the authority's final preferred approach. This may for example create issues with access to the land for the successful contractor or sub-contractor to access the land. As noted below, the landowner may not accept handover of responsibility of the works once completed.

The landowner may submit a planning permission which might provide an appropriate permanent solution, but this is not going to be in time to have a resolution next summer for local residents.

Financial checks (such as Experian) will be carried out on the selected supplier (or recipient of funds) to ensure financial capacity.

Legal implications and risks:

The Council has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory limitations. Additionally, the Council has both a duty under Part IIA of the Environmental Protection Act 1990 to ensure all contaminated land is remediated and a power under Section 111 of the Local Government Act 1972, to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The recommendations in this report are in accordance with its powers and duties.

If the Council does the CPC work, there is a risk that the landowner may not accept handover of responsibility of the works once complete. As stated in the report, responsibility for remediation of the contaminated land sits on a statutory basis with the landowner. The Council's intention is not to assume any responsibility for ongoing maintenance of the temporary measures referred to in this report or for any works beyond the CPC Phase 1 outlined in this report. Once the approach to be taken for the temporary measures is agreed with the landowner, the Council's legal team will advise on what documentation may be entered into between the Council and the landowner to record this and ensure no responsibility may be asserted to have been assumed.

Human Resources implications and risks:

There are no known HR implications and risks arising from this report.

Equalities implications and risks:

Reduced air quality due to environmental pollution is likely to have a greater impact on those with underlying health conditions (particularly respiratory). Such conditions are more likely to be prevalent in the elderly. Young children are also more susceptible to the effects of poor air quality owing to the stage of physical development and respiration rate.

Access to green and blue spaces has a positive effect on mental health and wellbeing. Those with poorer mental health/resilience would be more impacted by a restriction in access to public open spaces.

Residents not being able to use outdoor facilities (such as their gardens or public parks) during warmer weather (particularly school summer holidays) is likely to impact children more significantly (eg. play and development) and less affluent residents or those without private gardens who rely more on public outdoor spaces for recreation.

In addition to the identified impacts, the ongoing pollution events and restricted access to outdoor environments present a range of equalities risks that disproportionately affect vulnerable groups, including disabled residents, older adults, children, pregnant individuals and lower-income households.

There is also a risk of communication inequity for digitally excluded residents and those with limited English proficiency. Without mitigation, these factors may exacerbate existing health and social inequalities within the community. The Council should ensure that communication, engagement, and support strategies are designed to be inclusive and sensitive to the diverse needs of affected residents.

Health and Wellbeing implications and Risks

The significant possibility of significant harm to the health of local residents was a salient factor in the decision-making process to designate the land as Contaminated. International scientific consensus is that particulate matter, such as that produced by the frequent fires at the site, is harmful to health.

Fires causing frequent but short-lived peaks of particulate air pollution are likely to increase the risk of cardiovascular and respiratory conditions (e.g. heart attack and stroke) amongst those exposed to the increases in pollution. Additionally local data has shown a temporal association between fires occurring at the site and GP attendances by those with pre-existing respiratory conditions in the local population, consistent with an extensive body of international evidence.

In addition to the potential for continued harm to physical health, continuing resident concern about the fires with no end in sight will have a negative impact on the mental wellbeing of residents if the proposed action to prevent future fires is not taken.

Environment and Climate Change Implications and Risks

Climate change and the resulting increases in extreme weather events (such as drought and heat waves) are likely to increase the number of fires occurring at the site. Repeated fires at the site will increase air pollution of the environment, thereby contributing additional products of combustion (in particular carbon emissions) that contribute to the accumulation of greenhouse gases and subsequent global warming.

Whilst air and water testing has shown that such additional pollution may not have breached any relevant regulatory thresholds, the cumulative impact of such ongoing pollution will be negative. The London Fire Brigade, in responding to multiple

repeated fires at this single site, is likely to be using very substantial volumes of water – especially during periods of peak heat and peak likelihood of drought and water shortages. Run-off water from such events is also likely to include several dissolved pollutant compounds that enter into the wider ecosystem.

BACKGROUND PAPERS

The background papers relied upon in the preparation of this report are:

- **Cabinet Report – Launders Lane (Arnold's Field)**
 - Havering Council, 17 September 2025
 - <https://democracy.havering.gov.uk/documents/s80513/10.0%20Cabinet%20Report%20-%20Launders%20Lane%20Arnold's%20Field>
- **Contaminated Land Determination Record – Arnold's Field**
 - Havering Council, 16 October 2025
 - <https://www.havering.gov.uk/launderslane>
- **EPG Capping Options Appraisal**
 - Environmental Protection Group, 12 September 2025
 - <https://www.havering.gov.uk/launderslane>

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