



REGULATORY SERVICES COMMITTEE

23 October 2014

REPORT

Subject Heading:

**P0271.14 – Land at East Hall Farm and
land at Rainham Quarry, Rainham**

**Planning application for the extraction
of sand and gravel followed by
restoration to agriculture**

Report Author and contact details:

**Robert Brigden (Minerals and Projects
Officer) 01708 432906**

**Simon Thelwell (Projects and
Regulation Manager, Regulatory
Services) 01708 432685**

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the extraction of approximately 1.15 million tonnes of sand and gravel at East Hall Farm over a ten year period, with subsequent infilling and restoration to agricultural use. The processing of extracted

material would take place at Rainham Quarry, with transportation of the material by road. Rainham Quarry would also be restored, following the extraction of any remaining sand and gravel, to a publicly accessible recreation area in accordance with details previously approved.

In summary, the main issues to be considered are:

- 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 mineral extraction and subsequent importation of inert material;
- 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 safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;
- Whether the proposal can be restored to an acceptable standard;
- Whether the proposal would be acceptable considering similar potential development that might occur nearby.

On balance, officers consider the proposal to be acceptable, subject to the completion of a legal agreement and adherence to planning conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into and completing a Section 106 Legal Agreement pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 to secure the following:

- The payment of £5,000 per annum, for the duration of the proposed development, towards the cost of maintaining Launderers Lane;
- The dedication of a public right of way on land owned by the applicant, to the east of Rainham Quarry, as depicted on the plan entitled “proposed bridleway route” (received on 17th July 2014), through a Section 25 Agreement under the Highways Act 1980;

- Adherence to a lorry routing agreement, to be approved in writing by the Mineral Planning Authority prior to commencement, to ensure that heavy goods vehicles associated with the proposed development do not travel through Rainham, Wennington Village, along East Hall Lane with the exception of the approved crossing point between the two extraction areas located either side of East Hall Lane, or along Launderers Lane to the north of the Rainham Quarry entrance, at any time;
- The planning obligations in the agreement dated 16th March 1995 in respect of planning permission P2239.87 as varied by subsequent Deeds of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 dated respectively 22nd July 1998, 20th December 2006, and 1st March 2012 (copies of which are annexed to this report at appendix 1), will be repeated in this agreement to the extent that they have not already been discharged at the discretion of the Head of Regulatory Services and will include amongst other obligations the agreement of the Council and the owner/developer to set aside the following planning permissions
ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63,
PL/DB15/2143(A) and L/HOR/428/63 (PL/DB15/2143) without application for compensation under the Town and Country Planning Act 1990;

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- The planning obligation in the agreement dated 1st March 2012 in respect of planning permission P1323.11 (a copy of which is annexed to this report at appendix 2), will be repeated in this agreement to prevent the importation and processing of skip waste at the site;

All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- 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;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

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. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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 the LDF Development Control Policies Development Plan Document Policy DC61

3. Commencement of development - Written notification shall be submitted to the Mineral Planning Authority at least 7 days in advance of the commencement of development.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

4. Advance Planting - No development shall take place until details of the proposed advance planting works have been submitted to and approved in writing by the Mineral Planning Authority, setting out the details and timing of planting. No mining or engineering operations shall occur until the approved details have been implemented.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

5. Trees and Hedgerows - No development shall take place until there has been submitted to and agreed in writing by the Mineral Planning Authority, details of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection during the course of the development. The development shall be undertaken in accordance with the approved details.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

6. Soil and Overburden Storage – A scheme of soil and overburden storage shall be submitted to and approved in writing by the Mineral Planning Authority, detailing how:

- i) Topsoil, subsoil, and overburden within a phase, and beneath any buildings, plant, and haul roads will be stripped to their full depths prior to extraction works commencing within that phase;
- ii) Topsoil, subsoil and overburden will be stored in separate bunds and stockpiles of no more than 3m in height, with adjoining material bunds being separated by intermediary materials;
- iii) Materials will be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds/stockpiles and subsoil from beneath overburden bunds/stockpiles;
- iv) The surfaces of all topsoil, subsoil, and overburden bunds and stockpiles will be vegetated prior to the commencement of phased extraction operations.

The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

7. Restoration - Within 12 months of the date operations commence, a detailed scheme of restoration, relating to all areas of the application site, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the proposed infilling material and soils; the method of infilling; the use and depths of soil material; final levels and contours (shown at 1 metre intervals); along with details of all planting, boundary treatment, proposed access arrangements, a restoration programme and timetable, and drainage works. The site's restoration shall be undertaken in accordance with the approved details. Written notification to the Minerals Planning Authority shall be provided within 7 days of the completion of final restoration.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

8. Aftercare - An aftercare scheme, detailing the steps as may be necessary to bring the restored land within each phase to the required standard for subsequent agricultural use, shall be submitted for the written approval of the Mineral Planning Authority not later than 12 months following the commencement of extraction of sand and gravel. The approved scheme shall:

a) Provide an overall strategy for a 5 year aftercare period within each phase, including the maintenance and/or replacement where necessary, of any hedging or tree planting that may be damaged, die, or become diseased, along with the maintenance and replacement where necessary, of any field drainage and ditch systems. The submitted overall strategy shall specify the timing of the measures to be taken and shall be implemented within 7 days of final restoration.

b) Provide for the submission of annual management reports describing each year's aftercare programme, to be submitted in writing to the Mineral Planning Authority not less than 1 month before the final restoration within each phase, and then subsequently on an annual basis for the duration of the aftercare period.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

9. Wheel washing - Before the development hereby permitted is first commenced, details of vehicle wash down facilities to prevent mud and other material being deposited onto the public highway shall be submitted to and approved in writing by the Mineral Planning Authority. The approved facilities shall be retained and used within the application site at relevant entrances to the site throughout the course of mineral extraction, infilling, and restoration works.

Reason:

In order to 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.

10. Highway Maintenance - All Heavy Goods Vehicles leaving the site shall have first passed through the approved vehicle-wash facilities and, following this, checks shall be made to ensure that the tyres, wheels, axle, chassis, and sides of vehicles are clear of mud, debris and dirty water. Should mud or other debris be tracked from the site into the public highway, then all mineral extraction and infilling operations shall cease until such time as the debris has been removed from the highway, in accordance with details to be approved in writing by the Mineral Planning Authority prior to the commencement of development.

To ensure that mud, debris and dirty water is not deposited on the public highway, in the interests of the free and safe use of the highway and visual amenity

11. Land Contamination: Prior to the commencement of any works pursuant to this permission, the developer shall submit for the written approval of the Mineral Planning Authority;
- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Mineral Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Mineral Planning Authority.

Reason:

To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

12. Land Contamination -

- a) 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 a remediation strategy detailing how this unsuspected

contamination shall be dealt with has been submitted to and approved in writing by the Mineral Planning Authority. The remediation strategy shall be implemented as approved.

- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason:

To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

- 13. Operations methodology – No development shall take place until a scheme has been submitted to and approved in writing by the Mineral Planning Authority making provision for an Operations Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Operations Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) measures for minimising the impact of noise and, if appropriate, vibration arising from extraction and infilling activities;
- d) predicted noise and, if appropriate, vibration levels for the proposed operations, using methodologies and at points agreed with the local planning authority;
- e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with Mineral Planning Authority; siting and design of temporary buildings;
- f) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- g) details of the disposal of waste arising from the operational programme, including from any buildings. The burning of waste on the site at any time is specifically precluded.

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

Reason:

To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 14. Delivery and Servicing Plan - No development shall take place until a delivery and servicing plan has been submitted to and approved in writing

by the Mineral Planning Authority. The scheme shall provide details of how the operator will manage traffic movements to and from the site to ensure that Heavy Goods Vehicle movements are optimised to avoid daily peak hour periods. The approved scheme shall be implemented and retained for the life of the development.

Reason:

In the interests of highway safety and amenity.

15. Highways – The accesses at A1306 New Road and East Hall Lane shall be removed within 6 months of the completion of site restoration and the highway returned to a state acceptable to the highway authority.

Reason:

In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

16. Highways – The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of development.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, and DC61.

17. Highways - No phase of the development shall be commenced until details of the junctions and alterations to the Public Highway have been approved in writing by the Mineral Planning Authority. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a 3-stage road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

Reason: In the interests of highway safety and in order that the development accords with Policy DC32 of the LDF Development Control Policies DPD.

18. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development, including the access roads and working areas, shall be submitted to and approved in writing by the Mineral 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. The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

19. Cycle storage - Prior to the commencement of extraction works, cycle storage of a type and in a location previously submitted to and agreed in writing by the Mineral Planning Authority shall be provided and retained until such time as the relevant site area is to be restored.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

20. Dust Management - No development shall take place until a scheme for the prevention, monitoring, and control of dust drift and deposition has been submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be undertaken in accordance with the approved details. Should any dust be observed crossing the site's boundaries, then all mineral extraction and infilling operations shall cease until such time as the dust drift has been brought under control.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

21. Archaeology -

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Mineral Planning Authority.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) No landfill use shall commence until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development in accordance with recommendations given by the borough and in the NPPF.

22. Restoration -

In the event of the cessation of extraction or infilling operations within a phased working area, for a period exceeding 12 months at any time before that working area is fully restored, a reinstatement and low level restoration and aftercare scheme shall be submitted for the written approval of the Mineral Planning Authority within 2 months of the end of that 12 month period. The scheme shall provide details of final levels, soiling and landscaping, and a proposed timescale for implementation, and shall be implemented within 1 month of the scheme being approved.

Reason:

To ensure that the site is restored in a prompt and acceptable manner.

23. Restoration - Within 2 months following the final restoration of each working area, a detailed survey of the surface levels within that working area (with contours at 1m intervals) shall be submitted to the Mineral Planning Authority.

Reason:

To ensure that the restoration is in accordance with the approved details.

24. Settlement Pond – No development shall take place until details of the proposed settlement pond have been submitted to and approved in writing by the Mineral Planning Authority. The submitted details shall include information about the proposed location, ground levels, drainage arrangements, boundary treatment, signage, and safety measures. The development shall be undertaken in accordance with the approved details and be retained as such until the final restoration of the site.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

25. Internal Access Roads - The extraction of sand and gravel shall not commence until the internal site road network has been constructed in accordance with a scheme to be submitted in writing to and approved in writing by the MPA.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

26. Working Hours - With the exception of water pumping and office-based activities, no activities authorised by this permission shall take place, except between the following times:

0800 - 1800 hours Monday to Friday, and
0800 – 1300 hours on Saturdays

No operations shall take place on Sundays, Bank and public holidays.

Reason:

In the interests of residential amenity and in accordance with the Development Control Policies Development Plan Document Policy DC61.

27. Processing - Sand and gravel extracted from, and infill material imported to, the site shall not be processed (cleaned, crushed, or screened) anywhere within the two areas of land located off East Hall Lane (as depicted on the plan referenced “DP/EHF 1” and received 28/02/2014) . Material processing shall only take place at Rainham Quarry.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

28. Restoration Materials - No topsoil, subsoil, or overburden shall be removed from the site.

Reason:

To ensure any soils and overburden stripped from the site are used in the site’s restoration, and to reduce the amount of material needing to be imported for the site’s restoration.

29. Soil Handling - No topsoil or subsoil shall be stripped, moved or replaced except in dry weather conditions and when the soils are in a correspondingly dry and friable condition. Soil handling and movement shall not take place between November and March in any year. Topsoils shall be not be traversed by vehicles at any time during the course of the development, except for the purposes of stripping or reinstatement. Written notification shall be submitted to the Mineral Planning Authority at least 7 days in advance of the commencement of soil stripping operations within each working area, and 7 days in advance of the re-instatement of soils as part of the site’s restoration.

Reason:

To minimise damage to surface soils during stripping and re-spreading operations thereby helping improve the quality of final restoration of the site.

30. Infill Material - Only inert waste material, which has been approved as part of the approved restoration scheme, shall be imported to the site for the purposes of infilling and restoration.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

31. Permitted Development - Notwithstanding the provisions of Part 19 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) (as amended), no ancillary surface development shall be undertaken at the site without the express consent of the MPA.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site to agriculture.

32. Restoration - Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass in the first available planting season.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents.

33. Tonnages - No more than 135,000 tonnes of material shall be exported out of, and no more than 120,000 tonnes imported into, the New Road site entrance per annum. Written records of the vehicle loads and tonnages removed from and imported to the site shall be kept for the duration of the operations on site and made available to the Mineral 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.

34. Vehicle Movements - Heavy goods vehicle movements into the approved mineral extraction and infilling areas (land adjoining East Hall Lane), shall not exceed 96 movements in and 96 movements out per day in relation to the New Road site access, for the duration of the development, unless otherwise agreed in writing by the Mineral Planning Authority. Written records detailing the daily vehicle movements to and from the site over the duration of the development, including the tonnages of material imported and exported, shall be retained at the site at all times, and shall be made available for inspection by the Mineral Planning Authority. A copy of the

aforementioned record shall also be provided to the Mineral Planning Authority on request within seven working days of request.

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.

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

Reason:

In the interests of visual amenity and in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

36. Restoration - The whole of the application site, including the approved extraction areas and the land at Rainham Quarry, shall be fully restored, in accordance with the approved restoration scheme, within 11 years of the commencement of development.

Reason:

In the interests of ensuring the site is restored as soon as possible.

37. Phasing - The development shall be undertaken on a phased basis, as indicated on the submitted plans, commencing in phase 1 and progressing in numerical order. With the exception of phase 1, extraction works shall not commence in a phase until extraction has been completed in the previous phase.

Reason:

In the interests of local amenity and in accordance with Policy DC61 of the Development Control Policies DPD.

38. Highways - No development shall take place until details of the junctions and alterations to the Public Highway have been approved in writing by the Local Planning Authority. Approval shall only be given once the necessary agreements, notices or licenses have been entered into and a 3-stage road safety audit procedure as defined in HD 19/03 of the Design Manual for Roads and Bridges has been undertaken.

Reason:

In the interests of highway safety and in order that the development accords with Policy DC32 of the LDF Development Control Policies DPD.

39. Site Office and Messroom – The proposed building shall be built in accordance with the details contained on the approved drawing referenced “BGL/EHF/02-14/17618”.

Reason:

In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

40. Contamination, Hydrology & Water Quality – No development shall take place until a hydrological monitoring and mitigation plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted details shall include measures in relation to monitoring, mitigation, maintenance, and reporting in respect of contamination, hydrology, and water quality within the site and along the Common Watercourse. The submitted scheme shall include details of the preparation and submission of an annual hydrological monitoring report to the Mineral Planning Authority, Natural England, and the Environment Agency. The development shall be undertaken in accordance with the approved details.

Reason:

To protect groundwater quality and the Inner Thames Marshes SSI. To ensure that the proposed activities do not result in a detrimental impact on groundwater quality. To ensure compliance with the Water Framework Directive.

41. Drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Mineral Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To ensure no detrimental impact on ground or surface water quality and the Inner Thames SSI. There may be a risk of reduction in groundwater treatment by discharging the dewatered groundwater to soakaway downgradient and it is important that this considered prior to the discharge location being finalised. To ensure compliance with the Water Framework Directive.

42. Drainage - No development shall take place until a drainage strategy, detailing the surface water drainage regime, following the site’s restoration, has been submitted to and approved in writing by the Mineral Planning

Authority. The submitted details shall be based on an assessment of the hydrological and hydro geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 years critical storm (plus an appropriate allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development shall be undertaken in accordance with the approved details.

Reason:

To ensure that the proposed activity will not increase flood risk off site and to third parties. To ensure that the material used to backfill the site will not result in a reduction in permeability and resultant increase in surface water run-off from the site when compared to the pre-developed site.

43. Noise - Following commencement and during of on-site operations, measurements of noise from on-site operations must be taken and a report demonstrating that the site operations meets the design predictions of the submitted Environmental Statement report dated February 2014 and the results shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the impact of the development on the surrounding area in the interests of amenity.

INFORMATIVES

1. 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
2. The access works will be subject to an agreement made under S278 of the Highways Act 1980 (as amended) and will cover the installation and final removal of the accesses. It is likely that part of the agreement will have a requirement for the ongoing maintenance of the section of East Hall Lane being used to cross between sites.
3. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

4. 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
5. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
6. The applicant is reminded that the proposed location of the refuse and recycling storage may be contrary to the Building Regulations requirements. It is recommended that this matter be discussed with the Council's Building Control officers prior to the commencement of development.
7. Throughout the period of working, restoration and Aftercare, the operator should take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
8. Any oil, fuel, lubricant, paint or solvent within the site should be stored so as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.
9. Throughout the period of working, restoration and aftercare, the operator should have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases", published by Defra.
10. 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 Rob Devonshire on 01707 632473 to discuss the permitting requirements and any issues that are likely to be raised during this process. Under the Environmental Protection Act 1990 and Environmental Permitting Regulations 2010 (as amended) such sites should not cause harm to human health or pollution of the environment. The operator is required to have

appropriate infrastructure in place at the site to prevent pollution to the environment, harm to human health or detriment to the surrounding amenity.

Planning Obligations

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 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises two broad areas: 19ha of land off East Hall Lane, and land at Rainham Quarry, located off Lauanders Lane.
- 1.2 The land off East Hall Lane comprises open fields in agricultural use, with around two thirds being located on the northern side of East Hall Lane, and the remaining third being located on the southern side. The larger of the two areas has boundaries adjoining the A1306 (New Road) to the east; East Hall Lane to the south; residential and commercial properties, along with open agricultural land to the west; and open agricultural land to the north. South Hall Farm Quarry, which is to be fully restored by mid-2014, is located to the northwest. The smaller area is bounded by East Hall Lane to the north; Church Lane to the east; Wennington Road to west; and a residential/agricultural property to the south. Overhead electricity power lines cross the eastern end of the land located to the north of East Hall Lane, with a pylon being located within the site in that area.
- 1.3 Rainham Quarry is an established sand and gravel working, which is largely worked-out. This part of the application site is primarily in use for the processing, storage, and bagging of minerals, with fixed plant, a mineral stockpiling area, and associated site buildings present. It forms an irregular shaped area of land bounded by Lauanders Lane to the west and Warwick

Lane to the north. The site is well screened from the surrounding area by extensive tree planting and screen bunding.

- 1.4 The overall application site is designated as Green Belt, a Mineral Safeguarding Area, and Thames Chase Community Forest in the Local Development Framework. Rainham Quarry is designated as a Site Specific Policy Area. A borough level Site of Nature Conservation Importance is located in close proximity to the East Hall Lane land. The Inner Thames Marshes SSSI is located approximately 300m to the south and west of the East Hall Farm land. Parts of the site are located in Flood Zones 2 and 3.
- 1.5 Land to the south of East Hall Lane, and to the east of Church Lane, being separated from the application site by the public highway, is currently the subject of a separate planning application for the extraction and processing of sand and gravel (planning application reference: P1407.13).
- 1.6 There are no public rights of way within the East Hall Lane part of the site.

2. Description of Proposal

- 2.1 This planning application proposes the extraction of 1.15 million tonnes of sand and gravel over a period of approximately ten years. The sand and gravel is located within the Taplow Gravels formation and has been identified as good quality material that, with the aid of further processing, would be suitable for use in the building industry. The proposed mineral extraction and subsequent infilling would occur in phases within the two areas of land adjoining East Hall Lane. Areas (or phases) 1 and 2 would be located on the land to the south of East Hall Lane, whilst Areas 3 and 4 would be located on the land to the north.
- 2.2 It is anticipated that development would commence in the third quarter of 2015, with the development of required infrastructure (site entrance, office, canteen, toilet facilities, and wheel cleaners) and advance planting occurring first. The advance planting would include a hedgerow and woodland screen between the site and the New Cottages, which are located to the west, along with hedgerow planting at the southern perimeter of Area 1, to screen the proposal from Wennington Road and neighbouring properties.
- 2.3 Mineral extraction, in the first phase (Area 1), would not commence until the first quarter of 2016. It is anticipated that the final phase (Area 4) would be restored by the second quarter of 2026. The development of the site would be on a phased basis, with soil stripping, mineral extraction, infilling, and then restoration occurring in four separate phases, which would progress from west to east, beginning at the western end of the land to the south of East Hall Lane.
- 2.4 A summary of the indicative working programme is as follows:

Area 1: Soil stripping (Q4 of 2015); mineral extraction (Q1 of 2016 to Q1 of 2017); infilling (Q3 of 2017 to Q3 of 2018); restoration (Q3 2018).

Area 2: Soil stripping (Q4 of 2016; Q4 of 2017); mineral extraction (Q1 of 2017 to Q2 of 2019); infilling (Q3 of 2018 to Q3 of 2020); restoration (Q3 2020).

Area 3: Soil stripping (Q4 of 2018; Q4 of 2019; Q4 of 2010); mineral extraction (Q2 of 2019 to Q2 of 2022); infilling (Q3 of 2020 to Q2 of 2023); restoration (Q1 of 2022 and Qs 3 & 4 of 2023).

Area 4: Soil stripping (Q2 of 2022; Q4 of 2023); mineral extraction (Q3 of 2022 to Q1 of 2025); infilling (Q3 of 2023 to Q4 of 2025); restoration (Qs1 & 2 of 2025 and Qs 1 & 2 of 2026).

- 2.5 The proposed mineral extraction would take approximately 14 months in Area 1; 26 months in Area 2; 38 months in Area 3; and 32 months in Area 4. In total, this amounts to approximately 9 years of mineral extraction, preceded by around 6 months of site preparation and soil stripping (Area1), and followed by around eighteen months of restoration (Area 4). The total period of the development is therefore expected to be just short of eleven years, from start to finish. Areas 1 and 2, which are located to the south of East Hall Lane, would be fully worked and restored within 5 years.
- 2.6 It is estimated that the saleable product would amount to 147,000 tonnes from Area 1; 269,000 tonnes from Area 2; 400,000 tonnes from Area 3; and 335,000 tonnes from Area 4. On average, the site would produce approximately 125,000 of sand and gravel per annum, equivalent to around 450 tonnes per day, resulting in an average of 50 vehicle movements per day. The mineral extraction across the site four phases would take around 9 years. The site's restoration would involve the importation of, on average, around 120,000 tonnes per annum of inert material, over an 8.5 year period. Infilling would not commence until the restoration of Spring Farm Quarry, to the north of the site, has been completed (anticipated to be around mid-2017.)
- 2.7 The sand and gravel extracted from Areas 1-4 would be transported by road to the applicant's existing aggregate processing facility at Rainham Quarry, where it would be washed, screened, crushed, and then stockpiled prior to its onward removal and sale. Mineral processing would not occur at the extraction site. The extraction areas would be bounded by 3m high subsoil, topsoil, and overburden bunds, which serve both to store these existing materials prior to their re-use in the site's restoration, and also to screen the site from its surroundings. Those bunds located at boundaries closer to residential properties would generally have 9m wide bases, whilst others would have 5m wide bases.
- 2.8 A settlement pond and soakaway would be located at the western end of the site, along the northern perimeter of Area 1. The site would be accessed through the eastern boundary of Area 4 from New Road, with the proposed internal haulage road proceeding along the northern and western boundaries of Area 4, before proceeding along the southern boundary of

Area 3, at the western end of which it would cross East Hall Lane and enter Areas 1 and 2.

- 2.9 The equipment involved in the extraction and infilling operations would be as follows: *Initial soil removal*: short reach excavator, two dumptrucks, hydraulic excavator; *excavation and transport of sand and gravel*: hydraulic excavator and road going lorries; *infilling*: road going lorries and bulldozer; *soil replacement*: hydraulic excavator and two dumptrucks. Dewatering will make use of a diesel electric submersible pump. The proposal would result in the installation of a building measuring approximately 36sqm in area and 3.5m in height, to contain an office and staff facilities. Two wheel washing installations are also proposed.
- 2.10 The proposed extraction areas would be restored to agricultural use, using imported inert material along with the overburden and soils stripped from the site prior to the extraction works. Prior to infilling within each completed extraction area, preparation works would be undertaken in accordance with the environmental permitting regime administered by the Environment Agency. The intention is to restore the land to the same levels as existing, and to maintain the existing quality of the agricultural land. No significant settlement is anticipated. The East Hall Farm restoration would include the planting of trees and hedgerows.
- 2.11 Rainham Quarry currently benefits from several planning permissions, which give consent for various activities including the processing and bagging of material, with end dates ranging from 2015 to 2023. The continuation of these on-going activities is proposed as part of the application under consideration. The Rainham Quarry site would, following the extraction of material from East Hall Farm, and any remaining sand and gravel beneath the existing plant at Rainham Quarry itself, be restored to a community open space. The arrangements for the restoration of Rainham Quarry have been granted planning permission previously and the approved scheme has been submitted as part of the application under consideration.
- 2.12 Following the restoration of the whole site, including the East Hall Farm land and Rainham Quarry, an aftercare scheme would be implemented to ensure that the proposed restoration is successful, in terms of the proposed planting, drainage, and after-use.
- 2.13 The submitted information states that the proposal would result in the employment of 23 personnel.

3. Relevant History

- 3.1 The site includes agricultural land located off East Hall Lane, for which there are no previous planning decisions of particular relevance to the proposal. The site also includes Rainham Quarry for which there is a more complex planning history, as detailed below.

Z0002.13 – Scoping request received from the application seeking guidance about the required contents of an Environmental Statement – Scoping opinion issued.

P1570.13 - Variation of Conditions 5 & 6 of P1323.11 - To vary the approved aggregate processing plant – Approved. Period of working extended to 30th June 2023, and restoration required by 31st December 2023.

P1323.11 - Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015 – Approved.

P0712.11 – Variation of condition 4 of planning permission P2239.87, to allow for the continuation of mineral processing until 31st December 2015.

P0593.11 – Continued use of development approved by P0761.05 to December 2015 – Approved.

P0761.05 - Retrospective planning application for the retention of a portable office, unapproved changes to the processing plant, security fencing, and the extension of the aggregate storage area by about 0.08 hectares – Approved (17/06/2005).

P2099.04 – Variation of condition 4 of P2239.87 for the continuation of approved operations to September 2012 – Approved (15/01/2007).

P1361.02 - Change of use of land to allow for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved.

P2239.87 - Change of use to recreation & conservation including car parking, mounding & lakes, & erection of concrete batching plant, ancillary buildings & other plant, the continued extraction & processing of indigenous minerals, use of existing processing plant & land for processing indigenous /imported minerals & improved access from Launderers Lane.

4. Consultations/Representations

- 4.1 The applicant undertook a public consultation exercise prior to the submission of the application; this involved a public exhibition, notifications of which were advertised in the local press and sent to ward councillors and the area's MP, along with the publication and distribution of a leaflet to residents.

The application has been advertised by the Council by means of site notices and a press advertisement. Neighbour notification letters have been sent to 324 local addresses. Further consultations were undertaken following the receipt of additional information.

Fourteen letters of objection have been received, including one from the Wennington Village Association. The following comments have been made:

- The proposal would be detrimental to local air quality;
- Loss of light owing to the use of earth mounds;
- The proposal would cause a noise nuisance;
- The proposed access would be inadequate;
- The proposal would diminish highway safety and cause congestion;
- There are already landfill operations in the local area;
- The proposal would be harmful to the Green Belt and local character;
- There would be a loss of agricultural production and food security;
- The proposal would be harmful to wildlife and ecosystems;
- Damage to soils;
- The financial viability of the application company should be investigated;
- The proposal does not take account of existing development in the local area;
- The proposal would be harmful to the rural nature of Wennington Village;

Two neighbouring occupiers have stated that this proposal should be favoured over the application for mineral extraction at Wennington Hall Farm as it is further from neighbouring properties and would use existing processing plant at Rainham Quarry.

Comments have also been received from the following consultees:

Environment Agency – No objections; conditions recommended..

Natural England – No objections; conditions recommended..

English Heritage - No objections; conditions recommended.

Greater London Authority - No objections; conditions recommended.

Transport for London - No objections; conditions recommended.

Highway Authority - No objections; conditions recommended.

Environmental Health – No objections; conditions recommended.

Thames Water - No objections.

Essex and Suffolk Water – No objections.

Anglian Water – No comments received.

National Grid – No comments received.

EDF Energy – No comments received.

Thurrock – No comments received.

5. Relevant Policies

5.1 National Planning Policy

National Planning Policy Framework (“the NPPF”)

5.2 Regional Planning Policy

Following its adoption the London Plan July 2011 is the strategic plan for London and the following policies are considered to be relevant: 5.13 (sustainable drainage), 5.18 (construction, excavation, and demolition waste), 5.20 (aggregates), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.16 (green belt), 7.19 (biodiversity and access to nature), and 8.2 (planning obligations).

5.3 Joint Waste Plan for East London (“the Waste DPD”)

Policies W4 (Disposal of inert waste by landfilling) and W5 (General considerations with regard to waste proposals.)

5.4 Local Planning Policy

Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC50, DC52, DC53, DC55, DC58, DC60, DC61, DC70, and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (“the LDF”) are material considerations.

Policy SSA6 (Rainham Quarry community woodland) of the Site Specific Allocations DPD.

In addition, the Landscaping SPD, Sustainable Design and Construction SPD, and the Planning Obligations SPD are also material considerations in this case.

6. Staff Comments

6.1 The application is supported by an Environmental Impact Assessment, which has involved a number of detailed surveys and analysis of the proposal’s likely impacts, to support a consideration of the proposal’s acceptability in relation to planning policy and any other material planning considerations. A detailed consideration of the proposal’s impact on the highway network, neighbouring occupiers, visual amenity, archaeology, ecology, hydrology, ground conditions, and the quality of agricultural land, amongst other things.

6.2 The main issues to be considered in the determination of this application are considered to be the principle of development, the impacts on visual and residential amenity, impact on the openness of the Green Belt, access arrangements, archaeology, air quality, flood risk, ground and surface waters, ecology, and other considerations, including the cumulative impacts that the proposal and other proposed development might give rise to.

7. Assessment

7.1 Principle of Development

7.1.1 Policy CP13 of the LDF states that the Council recognises the need to supply the construction industry with aggregates and that the borough's apportionment in the London Plan will be supported. It is also stated that outside of those sites identified in the Minerals DPD (which the Council is no longer taking forward), planning permission for mineral workings will only be granted under given circumstances, which include that proposals are sustainable and are essential to maintaining the East London landbank.

7.1.2 The London Plan requires Havering to maintain a 7 year landbank of permitted aggregate reserves. As Havering's sub regional apportionment in the London Plan is 250,000 tonnes per annum, a landbank of 1.75 million tonnes of permitted reserves should be maintained. However, according to the Council's draft Local Aggregates Assessment, Havering is falling significantly short of this requirement, with only around 700,000 tonnes of permitted aggregate reserves, amounting to a landbank of under three years. The current landbank will diminish further over the next 18 months as the currently permitted reserves are expected to be exhausted. The proposed development, which would result in an anticipated annual average extraction of 125,000 tonnes of aggregate, would therefore make a significant contribution towards Havering's landbank, and would assist the borough in meeting its sub-regional apportionment for the supply of aggregates.

7.1.3 A further requirement of Policy CP13 is that mineral workings should be restored to the highest standards using progressive restoration techniques, and should secure an acceptable after use in line with Green Belt objectives. The proposal would involve the progressive restoration of the proposed extraction areas by infilling, with the final after use being agricultural. The final use would therefore be a continuation of the site's existing use. Officer's are satisfied that a high standard of site restoration can be achieved. In addition to the indicative information contained in the application, it is recommended that a condition be imposed requiring the approval of a detailed restoration and after care scheme.

7.1.4 Policy W4 of the Waste DPD states that planning permission for waste disposal by landfilling will only be granted provided the waste to be disposed of cannot practicably and reasonably be reused, and the proposal is both essential and involves the minimum quantity of waste necessary for, amongst other things, restoring current or former mineral workings sites.

The proposed fill material will need to be approved separately by the Environment Agency, however, the intention is to use inert fill material – primarily excavation waste derived from building projects. Such material is not likely to have any significant use value or ability to be recycled further, and its use as fill material is therefore considered to be suitable. The proposed infilling is intended to restore what would be a mineral working site to its existing ground levels, and would only involve the quantity of material required for this purpose. In terms of the principal of development, the proposal is considered to be in accordance with Policy W4 of the Waste DPD.

- 7.1.5 Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including mineral extraction, providing other policies in the LDF are complied with. The assessment contained in this report concludes that the proposal is in accordance with the Development Plan, and it is therefore considered to be in compliance with Policy DC45.
- 7.1.6 National planning guidance is also a material consideration in the determination of planning applications. The preliminary assessment when considering proposals for development in the Green Belt is as follows:-
- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
 - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies, except in very special circumstances.
- 7.1.7 In terms of Green Belt policy, the proposed development would include building, engineering, and mineral extraction operations.
- 7.1.8 Paragraph 89 of the NPPF states that building operations constitute inappropriate development in the Green Belt, except in given circumstances. The proposal would result in the installation of a building measuring approximately 36sqm in area and 3.5m in height, to contain an office and staff facilities. Two wheel washing installations are also proposed. These buildings are not included in the NPPF's definition of appropriate building operations, and are therefore considered to constitute inappropriate development in the Green Belt.
- 7.1.9 Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include mineral extraction and engineering operations. The proposed

mineral extraction operations would include the removal of soils and overburden material; the storage of this material in stockpiles and bunds; the removal of sand and gravel using machinery and road-going vehicles; the importation and working of inert fill material to restore the site; followed by the replacement of the stored soils and overburden. The proposed engineering operations would include the formation of screening bunds, which also serve the purpose of storing soils and overburden material, along with the laying out of internal access roads, and a staff car park.

7.1.10 Whilst the proposed development would be temporary in nature, it is considered that, for the 11 year duration of the development, the proposed screening/storage bunds, stockpiles, building operations, and car park, would, when considered together, impact upon the openness of the Green Belt. The proposed bunds and stockpiles would amount to noticeable additions to the open character of the landscape, in terms of their height, form, and bulk; the proposed car park, site buildings, and general presence of heavy goods vehicles and other equipment would result in a significant increase in the intensity of the site's use, which it is considered would reduce openness.

7.1.11 As the proposal is considered to constitute inappropriate development in the Green Belt, it is incumbent upon the applicant to demonstrate that there are very special circumstances that outweigh the harm by reason of inappropriateness and any other harm. This matter will be addressed later in this report.

7.2 Visual Impact

7.2.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant long term adverse effects on the landscape. Policy W4 of the Waste DPD states that proposals for landfilling should incorporate finished levels that are compatible with the surrounding landscape, and that the levels are the minimum required to restore the land to the agreed after use.

7.2.2 That part of the site relating to Rainham Quarry comprises land that is already in use as a mineral processing area, with planning permission for these activities to continue until 2023. Given the siting, scale, design, and extensive landscaping around that part of the site, it is considered that there would not be any significant harm in allowing the continuation of mineral processing there for the limited period required beyond 2023. Therefore, assessment of visual impact will primarily relate to that part of the site located at East Hall Farm, to the north and south of East Hall Lane.

7.2.3 It has already been concluded that aspects of the proposal would be detrimental to the openness of the Green Belt,. That the proposal would be harmful to the openness of the Green Belt is considered to be an indication that it may be harmful to the visual amenities and landscape character of the

area. However, the impact on openness is only one factor involved in the consideration of visual impact.

- 7.2.4 When viewed from within the site, or from the air, the proposal would result in significant changes to the appearance of the landscape around East Hall Lane, and this is an inevitable consequence of activities involving the extraction of minerals. However, such development is of a temporary nature, and with appropriate mitigation measures, restoration, and aftercare, need not result in significant visual harm when considered at ground level and from beyond the site boundaries.
- 7.2.5 The proposal would involve the use of 3m high screening bunds around the perimeter of the working areas of East Hall Farm, and, for significant periods during the working of these areas, the operations would occur at a lower level than the existing ground levels, given that the extraction of minerals involves the removal of existing ground-forming material. The average gravel depth in Area 4 is estimated to be 3.2m, whilst in Area 1 it would be 7.8m. The overburden depth, that is, the depth of material overlying the sand and gravel, ranges from 0.4m in Area 2, to 1.9m in Area 4.
- 7.2.6 As a result of the proposed screening bunds, and the depths below existing ground levels at which operations would generally occur, the proposed extraction and infilling activities, involving the use of vehicles and other equipment, would not generally be visible from the surrounding landscape, over the 11 year duration of the development. When the surrounding landscape is considered, including its topography and the locations of public rights of way, it is considered that the actual extraction and infilling operations would not result in significant adverse impacts on landscape character and visual amenity when observed from beyond the site's boundaries.
- 7.2.7 The proposed locations of above-ground buildings and structures, including an office and staff facility building, and wheel washing equipment, are such that, when their scale and surrounding screening works are considered, they would not be significantly visible from beyond the site's boundaries and would, in any case, appear as very small additions in relation to the overall scale of the site under consideration. The proposed screening bunds and stockpiles would amount to noticeable visible additions within the local landscape, however, the use of grass seeding, to be secured by condition would enable them to blend in reasonably well within what is a generally green landscape.
- 7.2.8 Except to the extent that the development as a whole would be detrimental to the openness of the Green Belt, which is a form of visual harm, it is considered that the various mitigation measures and the nature of the proposal would limit harm to the visual amenities and character of the landscape, when considered from beyond the site's boundaries.
- 7.2.9 The proposed restoration scheme would result in the restoration of the site's existing ground levels and agricultural use would resume after a temporary

period of time. The proposed screening, stockpiles, buildings, and structures would be removed, and an aftercare scheme would ensure that the site is properly restored to agricultural use and that the proposed planting schemes are successful. The proposed indicative restoration and aftercare schemes are considered to be sufficient to enable the site to be properly restored to an appropriate after-use, following the completion of temporary mineral extraction and infilling works. The proposal would involve a scheme of advance hedgerow and tree planting to help screen the development from Wennington, and following the completion of development to enhance the appearance of the local landscape. Moreover, the development would take place in phases meaning that the parts of the site subject to mineral extraction at any one time would be limited.

7.2.10 Conditions have been recommended that would require the submission and approval of detailed restoration and aftercare schemes; the completion of the development within a given time period to ensure that the site is restored as soon as possible; the grass-seeding of screening bunds and stockpiles; the prevention of stockpiling above existing ground levels at East Hall Farm; the prevention of material processing at East Hall Farm; the removal of permitted development rights relating to mining activities; and details of the proposed advanced planting to be approved.

7.2.11 The proposal, by its very nature, would result in significant changes to the appearance of the site itself, and it is already acknowledged that the proposal would result in significant harm in terms of its impact on the openness of the Green Belt, during the lifetime of the extraction and infilling works. Despite the temporary nature of the proposed development, the proposed mitigation measures, restoration and aftercare schemes, and recommended conditions; it is considered that the proposal, by reason of its harm to the openness of the Green Belt, would have a significantly harmful visual impact in what is otherwise a relatively open landscape.

7.3 Residential and Local Amenity

7.3.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant environmental impacts in relation to noise disturbance, particle emissions, or dust impacts. It is also stated that the progressive restoration of sites should be sought to minimize impacts. Policy W5 of the Waste DPD states that planning permission for waste related development will only be granted where it can be demonstrated that there would not be significant harm to people.

7.3.2 It is considered that the continued use of Rainham Quarry as a processing area, and a delay to its final restoration for the temporary period of time required by this proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

- 7.3.3 Those parts of the site located alongside East Hall Lane have generally been designed to ensure that extraction and infilling activities would not occur within 90m of neighbouring properties, and that the perimeters of such working areas would be formed by 3m high screening bunds. The exceptions to this are the two dwellings known as East Hall Cottages, which would be located approximately 30m to the west of Area 3. However, these properties are owned by the applicant, who is entitled to terminate the tenancies on the commencement of development. It is understood that the current occupiers, who have raised no objections to the proposal, are aware of the proposed development and will be permitted to continue living there. on the understanding that the proposed operations would take place nearby. Landthorpe House, which is located alongside a vehicle repair building and is in third party ownership, would be located approximately 83m to the south of Areas 1 and 2. However, with the proposed screen bunding along the southern perimeter of the working areas, and the presence of dense vegetation around the perimeter of the residential property, it is considered that there would not be any significant adverse impacts on the amenities of this property's occupiers.
- 7.3.4 Industrial and storage premises are located approximately 65m to the west of the Area 3 working area, and 75m to the north of Areas 1 and 2. Seven flats, located at Farmhouse, which adjoins East Hall Lane and is located off the south western boundary of the aforementioned industrial premises, would be located a minimum of 90m from the proposed working areas. Halldare Cottages, which are located along Wennington Road, would be located 90m from Area 1. Properties forming part of the western end of Wennington Village, would be located in excess of 120m from the southern extent of Area 1. New Cottages, which are located alongside Wennington Road, to the west of Area 3, would be in excess of 180m from the proposed working areas. Southall Farm and other properties to the north west of the working areas would be located in excess of 400m from the proposal.
- 7.3.5 The Council's Environmental Health officers have been consulted about the proposal, with no objections being received in relation to noise impacts subject to the use of a condition requiring the approval of details in relation to noise control.
- 7.3.6 The proposed development would be undertaken on a phased basis, which would limit its impacts to given areas of the site at given points in time. The proposed working areas would be screened by 3m high bunds, which would also act as noise baffles. The depth of the workings over the course of the operational period, which would generally take place beneath existing ground levels, would provide a further screening effect in addition to the bunds. Subject to conditions limiting the working times of the proposed development and agreement of noise controls, and given the separation distances between noise-sensitive properties in third party ownership, and given the proposed use of mitigation measures, it is considered that the proposal would not result in significant noise impacts. It is also considered that the proposal would not result in significant nuisance in relation to overlooking, loss of light, or loss of outlook.

7.3.7 Operations involving the extraction of sand and gravel, the storage of soils, and the importation of material, have the potential to give rise to significant problems in relation to dust-drift, particularly during dry weather conditions. However, this problem can be adequately controlled through the use of appropriate measures, such as the planting of vegetation on storage mounds and bunds; along with the use of wheel washing equipment, bowsers, and sprinklers to keep exposed areas damp. A number of conditions are recommended, which it is considered would adequately control this potential problem.

7.3.8 Conditions are recommended that would require the approval of details for the control of noise and external lighting; limit the operating hours of the development; control dust drift from the site; prevent the processing of any material within the extraction and infilling areas; require that the development proceed on a phased basis; and require the implementation of the proposed mitigation measures prior to the commencement of extraction. Subject to the use of these conditions, it is considered that the proposal, in terms of its impacts on residential amenity, would not result in significant harm to the amenities of neighbouring occupiers. In this regard, the proposal is considered to be in accordance with Policy DC42 of the LDF, and W5 of the Waste DPD.

7.4 Access Arrangements

7.4.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding Areas, will only be granted where they do not result in significant adverse impacts on highway safety and amenity. Policy DC32 states that development will only be permitted that would not result in adverse impacts on the functioning of the road network.

7.4.2 The Council's Highways officers, Transport for London, and the Greater London Authority have been consulted about this proposal with no objections being raised, subject to the use of conditions, which can be imposed should planning permission be granted.

7.4.3 The Rainham Quarry aspect of the site is served by an existing access located off Launder's Lane. The proposed extraction areas would be accessed from New Road, with modifications being made to the public highway to accommodate the required vehicle manoeuvres. An internal access road would proceed to the west from the New Road access, through Areas 4 and 3. A crossover at East Hall Lane would link Areas 1 and 2 to Areas 3 and 4. The extracted sand and gravel would be transported to Rainham Quarry by road for processing, via New Road and Launder's Lane. Infilling material for the site's restoration would be imported by road directly to the working areas.

7.4.4 The submitted information anticipates that the proposed mineral extraction operations would involve an average of 50 vehicle movements (25 in and 25

out) per day, whilst the proposed infilling operations would result in an average of 46 vehicle movements (23 in and 23 out) per day. The submitted traffic assessment estimates that the proposal would, when future traffic growth predictions are considered, result in an increase in the number of HGVs on the public highway at Launders Lane and New Road. During the morning and afternoon peak periods, it is estimated that the proposal would result in an increase of HGV traffic by the following amounts (the anticipated growth in traffic without the development is compared to the increase with the development):

- Launders Lane, from 27.2% to 31.5% (AM) and 1.7% to 7% (PM);
- New Road (east of Launders Lane), from 8.2% to 8.6% (AM) and 2.7% to 3.1% (PM);
- New Road (west of Launders Lane), from 7.4% to 7.8% (AM) and 2.9% to 3.4% (PM).

These increases in the numbers of HGV movements would be for the temporary period of the development.

7.4.5 The applicants propose to make a £5000 per annum contribution to the upkeep of Launders Lane, which can be secured through the use of a legal agreement. It is recommended that a lorry routing agreement also be secured by this means in order to prevent additional HGV movements north of Launders Lane; to the north west of the proposed New Road access; through Wennington Village; and along East Hall Lane except for the proposed cross-over, in the interests of highway safety and amenity.

7.4.6 Conditions are recommended requiring the approval of proposed works to the highway, a road safety audit, cycle storage details, a construction method statement, delivery and servicing plan, wheel wash and other measures to prevent mud on the road; and details about the proposed internal access road. Conditions are also recommended that limit the number of vehicle movements per day and that the necessary highway agreement is entered into prior to the commencement of development. The submitted information indicates that the development would not result in significant increases in vehicle movements at peak times. However, Members may wish to add to the condition already recommended, limiting vehicle movements at busy times of day.

7.4.7 Subject to the aforementioned conditions and obligations, it is considered that the proposal would not result in any significant adverse impacts on highway safety and amenity. In this regard, the proposal is considered to be in accordance with Policies DC32 and DC42 of the LDF.

7.5 Archaeology

7.5.1 Policy DC42 of the LDF states that planning permission for minerals extraction within the preferred areas, which include Mineral Safeguarding

Areas, will only be granted where they do not result in significant adverse impacts on sites of archaeological importance. Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for preservation and recording of archaeological remains in situ or through excavation.

7.5.2 English Heritage have been consulted about the proposal. No objections have been raised subject to the use of a condition requiring the approval of a scheme of investigation detailing the implementation of a programme of archaeological work. Subject to the use of this condition, the proposal, in terms of its impact on archaeology, is considered to be in accordance with Policy DC42 of the LDF.

7.6 Air Quality

7.6.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no significant adverse impacts on air quality, or where it would result in particle emissions that are not in accordance with national and EU standards.

7.6.2 The Council's Environmental Health officers have been consulted about the proposal with a condition being recommended concerning the approval of details in relation to the impact the proposal would have on air quality. This condition is not considered to be reasonable or appropriate and will not therefore be imposed. In terms of its impact on air quality, the proposal is considered to be in accordance with Policy DC42 of the LDF.

7.7 Flood Risk and Drainage

7.7.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no adverse impacts in relation to flooding. Parts of the site are located in Flood Zones 2 and 3, and are therefore located on land at higher risk of flooding. The NPPF Technical Guidance defines mineral extraction and landfilling operations of the sort proposed here as "less vulnerable" uses, which are considered to be appropriate uses in Flood Zones 2 and 3. Given that minerals can only be worked where they occur and that the proposal would be essential in helping the borough to reach its required aggregate landbank, it is considered that it passes the sequential test.

7.7.2 Policy DC42 also states that planning permission for minerals extraction will only be granted where there would be no adverse impacts on ground or surface waters. The Council's Environmental Health officers have been consulted about the proposal with no objections being raised subject to the use of a condition relating to ground contamination, which should be imposed if planning permission is to be granted.

7.7.3 The Environment Agency have been consulted about the proposal With no objections being raised. Conditions have been recommended, which are intended to detail the monitoring, control, and mitigation measures relating

to the hydrological regime in and around the site; the prevention of surface water penetration except with the approval of the MPA; and the submission of a scheme to ensure that the restored site does not result in any significant increase in flood risk over and above the existing situation. These conditions have been included in the recommendation section of this report.

7.7.4 Subject to the use of the afore mentioned conditions, it is considered that the proposal would have an acceptable impact in relation to flood risk and drainage arrangements.

7.9 Ecology

7.9.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where there would be no significant adverse impacts on sites of ecological importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced.

7.9.2 The site is located in close proximity to the Inner Thames Marshes SSSI and borough level Site of Nature Conservation Importance. The application is accompanied by ecological surveys, which consider the impacts the proposal is likely to have on different species and sites of ecological value.

7.9.3 The Inner Thames Marshes SSSI is water-based and whilst it is located around 300m from the proposed extraction and infilling areas, the proposal does have the potential to cause harm to it. Ground waters that drain to the SSSI pass through the area under consideration. Therefore, the proposed removal of water from the site during mineral extraction and its diversion to an adjoining watercourse; the proposed infilling of the site with material that may alter the site's qualities as a groundwater pathway and introduce contamination; and the use of a soakaway during the course of operations, could result in adverse impacts on the SSSI's status.

7.9.4 The Environment Agency and Natural England have considered the proposal and are satisfied that, subject to the use of conditions, it could be undertaken without significant harm arising in relation to the SSSI. The recommended conditions have been included in the recommendation section of this report.

7.11 Other Considerations

Restoration

7.11.1 Policy DC42 of the LDF states that planning permission for minerals extraction will only be granted where site workings would be restored to the highest standards and to an acceptable after use in line with Green Belt objectives. Officers are satisfied that the proposed mineral workings can be restored to an acceptable standard and that the proposed agricultural use would be appropriate in the Green Belt. Given the proposed hedgerow and tree planting, it is considered that the restoration of the site would result in

visual and ecological benefits compared to the existing situation. Rainham Quarry already has an approved restoration scheme, which would include the continued creation of a public recreation area. Conditions have been imposed requiring the approval of detailed restoration and aftercare schemes to ensure the site is properly restored to an appropriate standard.

7.11.2 Policy DC42 also states that within the Thames Chase Community Forest, site restoration should increase the recreational and biodiversity quality of the land. The proposed restoration of Rainham Quarry, which can be incorporated into any newly approved restoration scheme as part of the proposed development, would significantly increase the recreational and biodiversity value of land within Thames Chase. The phased restoration of the East Hall Lane land to agricultural use would accord with another requirement of Policy DC42, which is that grades 1, 2, and 3A agricultural land should be restored to its former condition and that extraction be phased to ensure the maximum amount of land is retained in agricultural use. According to the submitted information, approximately two thirds of the land is grade 3A, with the remainder being 3B and the applicant has stated that the site will be restored to match its existing quality. The proposed additional hedgerow and tree planting will assist in enhancing the site's ecological value whilst also ensuring the site continues to be put to productive agricultural use.

7.11.3 A range of conditions have been recommended, which are intended to prevent any loss or damage to the site's existing sub and topsoils, which should be imposed if planning permission is to be granted.

Proposed Public Right of Way

7.11.4 The Thames Chase Trust has requested that a public right of way be adopted within the applicant's land ownership, which would support connections between the Ingrebourne Valley and Belhus Woods Country Park. This would support objectives contained in the London Plan and the emerging Thames Chase Plan. It is considered that this would help to integrate areas of public open space around the site, including the proposed restoration of Rainham Quarry. It is recommended that the proposed bridleway be adopted through the proposed legal agreement.

Cumulative Effects

7.11.5 The Council is considering a separate application for mineral extraction (reference P1407.13) in tandem with the one under consideration. Both proposals are located in close proximity to one another and may therefore, if both were given planning consent and operated at the same time, give rise to cumulative impacts. Both applicants have submitted detailed information giving consideration to the potential cumulative impacts that might arise by the operation of the two developments in tandem, in relation to highways impact, noise, visual impact, air quality, and other relevant planning matters. Consultees were re-consulted in relation to this additional information with no additional objections being raised to the proposals. Having considered

the potential cumulative effects, officers are satisfied that the development under consideration could be operated in an acceptable manner, even if the other application (P1407.13) were also to be approved and implemented.

Representations

7.11.6 The assessment contained in this report has been undertaken having regard to the representations received from consultees, including neighbouring occupiers. Those comments, which were detailed earlier in this report, except where they did not relate to material planning matters, were considered in the relevant sections of the assessment.

Very Special Circumstances

7.11.7 The applicant has submitted a statement of very special circumstances to address the possibility that the development would constitute inappropriate development in the Green Belt. The very special circumstances cited are as follows:

- (i) *In accordance with the London Plan, the London Borough of Havering must release mineral bearing land for working in order for London as a whole to meet its commitment to continue to provide an adequate and steady supply of aggregates to the construction industry;*
- (ii) *The landbank of permitted reserves in Havering is well below the minimum required by Government guidance, meaning there is an overriding need for mineral working to be permitted now;*
- (iii) *No specific sites have been identified in the development plan for mineral working;*
- (iv) *Minerals can only be worked where they are found and the development plan shows broad brush areas which identified areas of search for minerals. All of these areas are within the Green Belt;*
- (v) *Development plan policy DC42 requires that ‘the site workings are restored to the highest standards and secure a beneficial and acceptable after use in line with Green Belt objectives’. Havering Aggregates parent company, Brett Aggregates has a sound record of working and restoring mineral workings in the Green Belt and its success in achieving many UK and international awards is highlighted in the environmental statement which accompanied the planning application;*
- (v) *Visual and acoustic screening bunds constructed to protect the amenities of local residents whilst the minerals are being worked would not result in an alien feature in the landscape*

and would not affect the openness of the green belt. This view has been supported at appeal;

(vi) The entrance to East Hall Farm on New Road involve engineering operations that do not affect the openness of the green belt. This view has been supported at appeal;

(vii) Day to day operations are an inevitable consequence of quarrying and would not be inappropriate in the Green Belt. This view has been supported at appeal.

(viii) The proposed development is temporary and would not involve any permanent development

7.11.8 It was concluded earlier on in this report that the proposal would be detrimental to the openness of the Green Belt and that this would and would result in a degree of visual harm within the wider landscape.

7.11.9 As discussed in paragraph 7.1.2 above, there is an identified need for the approval of further aggregate extraction within Havering, and the proposal would clearly assist the borough in meeting its sub-regional apportionment. Havering currently falls significantly short of the aggregate landbank required of it by the London Plan. National planning guidance recognises the importance of mineral extraction to the national economy, and also that mineral resources can only be extracted where they occur. It is common for mineral extraction to occur in the Green Belt, indeed, the Mineral Safeguarding Areas identified in the LDF are mainly located on Green Belt land. Moreover, the proposed development would be temporary in nature, and conditions can be employed to ensure the site's progressive and prompt restoration to an appropriate after use.

7.11.10 To the extent that the harm to the openness of the Green Belt would also be harmful to the visual amenities of the site and surrounding area, it is considered that there are material considerations that outweigh this. In addition to the identified need for the development, it is considered that the visual harm of the proposal is limited to an extent that it is to be expected of such development. The proposed mitigation measures and conditions would significantly reduce any visual harm over and above the impact on openness. Minerals can only be worked where they occur, and to the extent that the proposal would affect the character of the local landscape, in addition to its impact on openness, it would only be to an extent that is to be expected from such development. The proposed mitigation measures are considered a reasonable means of limiting the proposal's impact.

7.11.11 Officers conclude that, in this case, there are very special circumstances that outweigh the identified harm to the Green Belt and any visual harm.

8. 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 mineral extraction and subsequent importation of inert material;
- 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 safety;
- Whether the proposal would have an acceptable impact in relation to archaeology and a range of environmental considerations, including air quality, flood risk and drainage, ecology, and ground contamination;
- Whether the proposal can be restored to an acceptable standard;
- Whether the proposal would be acceptable considering similar potential development that might also occur nearby.

8.2 On balance, officers 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 all other respects, the proposal is considered to be acceptable. However, this is a balancing exercise, and Members may reach a different conclusion.

8.3 Officers consider the proposal to be acceptable having had regard to Policies CP13, CP15, CP16, DC22, DC32, DC33, DC34, DC36, DC40, DC42, DC43, DC45, DC48, DC49, DC50, DC52, DC53, DC55, DC58, DC60, DC61, DC70 and DC72 of the LDF and all other material considerations. It is recommended that planning permission be granted subject to the completion of a legal agreement and adherence to the recommended planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Environmental Impact Assessment in support of planning application P0271.14.