

DATED

1st March .

2012

**PLANNING OBLIGATION BY WAY OF UNILATERAL UNDERTAKING UNDER SECTION 106 OF
THE TOWN & COUNTRY PLANNING ACT 1990 RELATING TO LAND AT RAINHAM QUARRY,
WARWICK LANE, RAINHAM, ESSEX**

between

BRETT AGGREGATES LIMITED

and

HAVINGING AGGREGATES LIMITED

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THIS DEED is dated *1st March* 2012

- (1) BRETT AGGREGATES LIMITED (company registration number 316788) whose registered office is at 150 Aldersgate Street, London, EC1A 4AB (**Owner**).
- (2) HAVERING AGGREGATES LIMITED (company registration number 3427544) whose registered office is at 150 Aldersgate Street, London, EC1A 4AB (**Developer**).

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner owns the Property.
- (C) The Developer has made the Planning Application and is proposing to carry out the Development.
- (D) The Developer intends to develop the Property pursuant to the Planning Permission and has entered into a Lease with the Owner.

AGREED TERMS

1. INTERPRETATION

1.1 The definitions and rules of interpretation in this clause apply in this deed:

Council: The Mayor and Burgesses of the London Borough of Havering of Town Hall, Main Road, Romford, Essex, RM1 3BD.

Development: the development of the Property described in the Planning Applications.

Plan: the plan attached to this deed.

Property: the freehold land at Launder's Lane, Rainham shown edged red on the Plan and registered at HM Land Registry with absolute title under title numbers EGL119562, EGL384755 and EGL508827.

Planning Applications: applications for the Planning Permissions under reference number P1323.11 dated 18 August 2011 and P0518.11 dated 20 March 2011.

Planning Permissions: the planning permissions to be granted by the Council in respect of the Planning Applications in the form of the drafts annexed to this deed.

Previous Planning Permission: planning permission reference P1361.02 dated April 2003 permitting the change of use of the Property to enable the production of recycled aggregates and the recovery of soils from construction and demolition waste.

TCPA 1990: Town and Country Planning Act 1990.

Working Day: a day (other than a Saturday, Sunday or public holiday) in England when banks in London are open for business.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time; provided that, as between the parties, no such amendment, extension or re-enactment shall apply to the deed to the extent that it would impose any new or extended obligation, liability or restriction, on, or otherwise adversely affect the rights of, any party.
- 1.9 A reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** does not include faxes or e-mail.
- 1.11 A reference to "this deed" or to any other agreement or document referred to in this deed is a reference to this deed or such other document or deed as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.

- 1.12 References to clauses and plans are to the clauses and plans of this deed.
- 1.13 An obligation in this deed on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.14 Any phrase introduced by the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner and the Developer with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 This deed shall come into effect on the date of grant of the Planning Permission.
- 2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. COVENANTS WITH THE COUNCIL

The Owner and the Developer hereby jointly and severally covenant with the Council:

- (a) Not to implement that aspect of the Previous Planning Permission that involves the receipt and processing of skip waste at the Property;
- (b) Not to seek compensation from the Council pursuant to the TCPA 1990 or any other relevant legislation in respect of agreeing not to implement part of the Previous Planning Permission or the Planning Permissions.

4. RELEASE

No person shall be liable for any breach of an obligation, restriction or covenant contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

5. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- (a) is varied or revoked other than at the request of the Owner or Developer; or
- (b) is quashed following a successful legal challenge.

6. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

7. COUNCIL'S COSTS

The Owner and the Developer shall pay to the Council on the date of this deed the Council's the Council's legal and monitoring fees in the sum of £833.

8. OWNERSHIP

8.1 The Owner warrants that no person other than the Owner and the Developer has any legal or equitable interest in the Property.

8.2 Until the obligations in clause 3 have been complied with the Owner will give to the Council within ten (10) Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

- (a) the name and address of the person to whom the disposition was made; and
- (b) the nature and extent of the interest disposed of.

9. NOTICES

9.1 Any notice or other communication required to be given under this deed shall be in writing and shall be delivered personally, or sent by pre-paid first class

post or recorded delivery or by commercial courier, to any person required to receive the notice or communication at its address as set out below:

- (a) Council: For the Attention of the Assistant Chief Executive, London Borough of Havering Town Hall Main Road Romford RM1 3BD
- (b) Owner: For the attention of the Company Secretary and the Director of Planning at Robert Brett House, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP and also at the Owner's registered office as set out above; and
- (c) Developer: For the attention of the Company Secretary and the Director of Planning at Robert Brett House, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP and also at the Developer's registered office as set out above;

or as otherwise specified by the relevant person by notice in writing to each other person.

9.2 Any notice or other communication shall be deemed to have been duly received:

- (a) if delivered personally, when left at the address and for the contact referred to in this clause;
- (b) if sent by pre-paid first class post or recorded delivery, at 9.00 am on the second Working Day after posting; or
- (c) if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

10. THIRD PARTY RIGHTS

No person other than a party to this undertaking and their respective successors and permitted assigns, and the Council and the successors to its respective statutory functions shall have any rights to enforce any term of this deed.

11. SEVERANCE

11.1 If any court or competent authority finds that any provision of this deed (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this deed shall not be affected.

11.2 If any invalid, unenforceable or illegal provision of this deed would be valid, enforceable and legal if some part of it were deleted, the provision shall apply with the minimum modification necessary to make it legal, valid and enforceable.

12. GOVERNING LAW

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Mike Davies
Davies Planning Ltd
21 The Fairway
Herne Bay
Kent
CT6 7TW

Mr Mike Courts
Havering Aggregates Ltd
Robert Brett House
Milton Manor Farm
Ashford Road

APPLICATION NO: P1323.11

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Variation of Condition 1 of Planning Permission P1361.02 to extend the period of working to 31st December 2015

Location: Rainham Quarry
Launders Lane
Rainham

The above decision is based on the details in drawing(s):

ECOLOGICAL APPRAISAL
SUPPORTING STATEMENT

subject to compliance with the following condition(s):

- 1 This permission shall be for a limited period only, expiring on the 31st December 2015, on or before which date the development carried out under this permission shall be removed and the site reinstated in full accordance with the 'Revised Restoration and After Scheme' dated March 2000 and approved in accordance with conditions 6 and 7 of planning permission P2239.87.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 2 All plant, machinery, structures and buildings hereby permitted shall be removed within three months from the expiry date referred to in condition 1 above.

Reason:

In pursuance of the timely restoration of the site and in the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 3 No materials brought to the site under this permission shall be stored other than within the 'operating area' defined on Figure 7.1 (approved as part of planning permission P1361.02) and shall not be stored to a height exceeding 5 metres above the adjacent ground level of the operating area. No materials shall be stored in any other part of the application site.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 4 No work shall be carried out on the site other than between the hours of 0700hrs and 1800hrs Mondays to Fridays, between the hours of 0700hrs and 1300hrs on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason:-

In the interests of local amenity in accordance with Policy DC61 of the with Development Control Policies Development Plan Document, and the guidance contained in PPG2.

- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications approved as part of planning permission P1361.02.

Reason:-

The Local Planning Authority consider it essential that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if carried out differently in any degree from the details submitted.

6 With the exception of the bagging plant, which shall be retained in accordance with the materials and colour scheme approved as part of condition 6 of planning permission P1361.02, none of the proposed new plant, machinery, structures or buildings shall be installed or erected until details of their proposed materials and the colour scheme for any external cladding has first been submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the surrounding area and the Green Belt, in accordance with Policy DC61 of the Development Control Policies Development Plan Document, and the guidance contained in PPG2.

7 The surface drainage system shall be retained in accordance with the details approved in accordance with condition 7 of planning permission P1361.02.

Reason:

Condition 7 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8. The development hereby approved shall be undertaken in accordance with the details that were approved in accordance with condition 8 of planning permission P1361.02.

Reason:

Condition 8 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

9 The discharge of surface water from the site shall be in accordance with the scheme approved under condition 9 of planning permission P1361.02.

Reason:

Condition 9 of planning permission P1361.02 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

10 No soakaways shall be constructed in contaminated ground or in any areas that have been infilled.

Reason:

To prevent the pollution of ground water

- 11 All access by heavy goods vehicles to and from the plant and machinery hereby permitted shall only be from the existing access point onto Lauanders Lane.

Reason:

In the interests of amenity and highway safety.

Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies DC22, DC32, DC41, DC43, DC45, DC58, and SSA6 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

Dated:



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House. 2 The Square. Temple Quay. Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr Mike Davies
Davies Planning
21 The Fairway
Herne Bay
Kent
CT6 7TW

Mr Mike Courts
Havering Aggregates Ltd
Robert Brett House
Milton Manor Farm
Ashford Road
CT4 7PP

APPLICATION NO: P0518.11

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: Variation of Condition 7 of P2098.04 to continue working at Spring Farm without complying with condition 7 of planning permission P2098.04

Location: Spring Farm/Rainham Quarry
Launders Lane
Rainham

The above decision is based on the details in drawing(s):
Planning Statement

subject to compliance with the following condition(s):

- 1 The development hereby approved shall be carried out in accordance with the Environmental Statement drawings approved as part of planning permission P2098.04 and referenced Figures 1.1, 1.2, 5.1-5.3, 5.5-5.9, 6.1-6.7, 9.1 and 9.2, and in accordance with the following conditions.

For the avoidance of doubt and to ensure the development is undertaken in accordance with the approved plans.

- 2 2. The working, restoration, and operation of the site, including the design, materials and location of all ancillary buildings and equipment, surfaced and unsurfaced roadways, and perimeter fencing, shall be undertaken in accordance with the scheme approved by the MPA (Mineral Planning Authority) as part of condition 4 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 3 The site shall be subject to a 5 year period of aftercare, managed in accordance with the scheme approved by the MPA under condition 36 of planning permission P2098.04.

Reason:

Condition 36 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 4 A water bowser shall be permanently available for the purposes of dust control on surfaced and unsurfaced access roads, infill areas and extraction areas as necessary to suppress dust emissions.

Reason:

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

- 5 All mineral extracted at the site shall be transported to the adjoining Rainham Quarry site for processing in accordance with the details approved in writing as part of condition 3 of planning permission P2098.04.

Reason:

Condition 3 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 6 Notwithstanding the provisions of Part 19 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no ancillary surface development shall be undertaken other than with 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.

- 7 The road junction between the site and Launderers Lane shall be retained for the duration of mineral extraction and infilling operations, in accordance with the details approved by the MPA as part of condition 6 of planning permission P2098.04.

Reason:

Condition 6 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

8 The approved access onto Launderers Lane shall only be used in accordance with the details approved by the MPA as part of condition 10 of planning permission 2098.04. The approved wheel washing and cleaning equipment shall be used by all heavy and medium goods vehicles leaving the site as in order to prevent mud and detritus being deposited on the public highway.

Reason:

In the interests of highway safety and amenity and in accordance with Policy DC32 of the Development Control Policies Development Plan Document.

9 Except with the prior written approval of the MPA, no activity authorised by this permission other than pumping operations shall take place in area 1 (as shown on figure 6.1 of the Environmental Statement approved as part of planning permission 2098.04) within 200 metres of any residential property except between the following times:

0700 - 1800 hours Monday to Friday;

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

10 Except with the prior written approval of the MPA, no activity authorised by this permission outside of the 200 metre zone specified in Condition 11 above, other than pumping operations, shall take place except between the following times:

07:00 - 18:00 hours Monday to Friday
07:00 - 13:00 hours on Saturdays

No operations other than essential plant maintenance shall take place on Sundays, Bank and public holidays.

Reason:

To ensure that the minimum harm is caused to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

11 The development hereby approved shall be operated in accordance with the landscaping details approved by the MPA under condition 13 of planning permission P2098.04.

Reason:

Condition 13 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 12 Any trees or plants which within five years of planting die, are removed or become seriously damaged, shall be replaced in the next available planting season with others of similar size and species, unless the MPA gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990 to enhance the amenities of the development to ensure appropriate provision for nature conservation and to ensure that the development has due regard to the concept of the Thames Chase Community Forest.

- 13 All buildings, ancillary equipment, hardstandings, and access roads shall be removed at such times as the MPA reasonably determines that they are no longer required for their original purpose and the land reinstated in accordance with the approved restoration scheme.

Reason:

To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 14 No topsoil, subsoil or overburden shall be taken off the site.

Reason:

To ensure the proper restoration of the site.

- 15 The MPA shall be given 3 working days notice in writing of operations to strip soils from any phase of operations and shall be advised when ripping of topsoil and subsoil is to take place.

Reason:

To ensure proper restoration of the site.

- 16 Topsoil and subsoil deposited into bunds, rather than replaced directly onto filled areas, shall be stored separately with topsoil in bunds not exceeding 3 metres in height, and subsoil in bunds not exceeding 4 metres in height, in locations identified on Figures 6.1-6.5 of the Environmental Statement approved as part of planning permission 2098.04, and approved by the MPA as part of the scheme discharging condition 4 of planning permission 2098.04.

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. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

17 The mineral extraction and infilling operations shall be undertaken in accordance with the tree protection scheme approved by the MPA in accordance with condition 20 of planning permission P2098.04.

Reason:

Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

18 Only inert waste conforming to the Environment Agency's definition shall be imported to the site for infilling purposes.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

19 Unless otherwise agreed in writing with the MPA the extraction of sand and gravel and stripping, movement, storage and placement of soils shall be carried out only by hydraulic excavator or loading shovel and dump truck.

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.

20 There shall be no storage of unprocessed sand and gravel at the site.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

21 All operations involving soil stripping, replacement and cultivation shall take place in dry weather conditions when the soil is correspondingly dry and all reasonable precautions shall be taken to prevent the mixing of topsoil, subsoil and overburden/waste materials.

Reason: to ensure that the soil structure is not unduly damaged.

- 22** The topsoils and subsoils from the different soil type areas identified in Figure 6.1 of the Environmental Statement (approved as part of planning permission P2098.04) as A, B, & C shall be stripped and stored separately. When re-spread, the soils shall be used to restore the land, as far as is reasonably practicable, in the same areas from which they were originally stripped. No screened imported soils shall be used in the areas of soils types A and B.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

- 23** All soil storage mounds shall be subject to the weed control and maintenance operations, in accordance with the details agreed in writing by the MPA under condition 27 of planning permission P2098.04.

Reason:

Condition 27 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 24** The base of the excavated area is to be levelled prior to the commencement of tipping. Fill material shall be compacted in layers not exceeding 3m in depth.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 25** Topsoils and subsoils shall be stripped to their full depth and shall, wherever possible, be respread immediately over an area of reinstated material (subsoil or overburden / clean inert fill respectively). If immediate respreading is not practicable they shall be stored separately as required by condition 21 above.

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.

- 26** The top metre of the fill area shall consist of either overburden or clean fill and, in either case, free of any objects exceeding 22.5 cm in diameter.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

27 The final surface of the site shall be such as to follow the final contours shown on Figure 6.6 of the Environmental Statement, approved as part of planning permission P2098.04, or any revision subsequently agreed in writing with the MPA.

Reason:

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

28 The subsoil is to be re-spread to an even depth over the restored overburden/fill so as to follow the final contours.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

29 The topsoil is to be re-spread to a uniform depth in accordance with the scheme of restoration approved by the MPA under condition 4 of planning permission P2098.04, over the reinstated subsoil so as to form the approved restoration contours

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. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

30 The minimum settled depth of subsoil and topsoil shall be 1 metre.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

31 The MPA shall be given 3 days notice in writing of the commencement of agricultural soils being deposited on each phase or part phase.

Reason:

To ensure the proper restoration of the site, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 32** Noise from any pump operated outside normal working hours shall not be audible at the nearest, noise sensitive property.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 33** All plant and machinery (other than pumps referred to in condition 31) shall operate only in the permitted hours except on cases of emergency notified to the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 34** Other than for temporary operations the free field equivalent continuous sound level measured over a 1 hour period (LAeq 1h) due to operations shall not exceed exterior levels as follows except with the express permission of the MPA:-

Location	Measurement position	Max LAeq 1h
1. Red Brick Cottages	Rear of no.1	46dB
2. Acer Avenue	Rear of no. 29	46dB
3. Lambs Lane North	Southview	47dB
4. Lambs Lane North	Yuccas	47dB
5.Lambs Lane South	Front of no.131	48dB

Note: All measurements to be taken no closer the 3.5 metres from any reflecting surface or 1.5 metres above ground

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 35** For temporary operations, the free field LAeq 1h level due to operations at any noise sensitive property shall not exceed 70db except with the express permission of the MPA.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 36** Noise levels shall be monitored by the site operator at intervals not greater than 3 months, at not less than 3 locations as agreed with the MPA. The results shall include the LA90 and LAeq noise levels, the prevailing weather conditions and comments on the noise sources controlling the noise climate. The survey period shall be for 15 minutes during working periods and the results shall be kept during the life of the site and made available to the MPA on request.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 37** The internal access road, approved by the MPA in accordance with condition 4 of planning permission P2098.04, shall be provided with signs limiting vehicle speeds to 20 km/h, placed at intervals of not less than 100m.

Reason:

To ensure that minimum harm is caused to the amenities of the area and those of local residents. Condition 4 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 38** The movement or handling of soils shall take place in accordance with the scheme approved under condition 44 of planning permission P2098.04.

Reason:

Condition 44 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 39** The surfaced part of the internal access road shall be swept so as to keep it free of mud and debris whenever necessary throughout the life of operations at the site.

Reason:

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

- 40** Any areas of the site filled to final levels but not available for final restoration shall be temporarily seeded with grass at the earliest opportunity.

Reason:

To ensure that operations take place with minimum harm to the amenities of the area, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

- 41 The construction of the surface and foul drainage systems shall be carried out in accordance with the details approved by the MPA under condition 50 of planning permission 2098.04.

Reason:

Condition 50 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

- 42 No spoil or solid matter shall be deposited or stored at any time on that part of the site lying within the floodplain or within 10 metres of the banks of the Southhall Sewer.

Reason:

To prevent the increased risk of flooding due to impedance of flood flows and reduction of storage capacity, to allow access for routine and emergency maintenance, and to prevent pollution of the water environment.

- 43 No extraction of sand and gravel shall take place within 20 metres of the Common Watercourse.

Reason:

To protect the structural integrity off the bank, maintain a buffer strip alongside the watercourse

- 44 Any oil or liquid chemical storage tanks shall be located within a bund having a capacity of not less than 110% of the largest tank or the combined tank volume if a number of tanks are interconnected. The floor and walls of the bund shall be impervious to water and the stored liquid and all inlet, outlet and vent pipes and gauges shall be within the bund.

Reason:

To minimise the risk of pollution to ground and surface waters.

- 45 Within 3 months of the completion of infilling of each of the three restoration phases shown in the Environmental Statement approved by planning permission P2098.04, a detailed survey of surface levels shall be undertaken and the results submitted to the MPA within 10 days.

Reason.

The aforementioned details approved in relation to planning permission P2098.04 continue to be applicable in this case.

46 The fencing erected in accordance with condition 58 of planning permission P2098.04 shall be maintained in accordance with that scheme.

Reason:

Reason:

Condition 58 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

47 The development hereby permitted shall not be carried out within 40 metres of the eastern boundary of the site, until at least 4 weeks written notice of the operator's intention to commence the development has been given to the MPA and to the operator of the Barking to Horndon Gas Transmission pipeline. Such notice shall include details to demonstrate that the integrity of the pipeline is not compromised.

Reason:

To protect the structural integrity of the Barking to Horndon Gas Transmission Pipeline.

48 The development shall only take place in accordance with the detailed archaeological scheme approved by the MPA in accordance with condition 62 of planning permission P2098.04. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the MPA.

Reason:

Condition 62 of planning permission P2098.04 has been discharged by the Minerals Planning Authority and the approved details continue to be applicable in this case.

Reason for Approval:

The proposal is considered acceptable having regard to the relevant criteria of Policies CP13, DC22, DC32, DC42, DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

Dated:



Patrick Keyes
Head of Development and Building Control
London Borough of Havering
Mercury House, Mercury Gardens
Romford RM1 3SL

IMPORTANT - attention is drawn to the notes overleaf

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

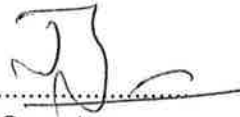
- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.


Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) will be required.

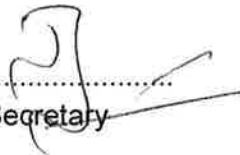
Executed as a deed by **Brett
Aggregates Limited** acting by two
directors or by one director and its
secretary


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Director


.....
Director / Secretary

Executed as a deed by **Havering
Aggregates Limited** acting by two
directors or by one director and its
secretary


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Director


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Director / Secretary