



T H I S A G R E E M E N T is made the 16<sup>th</sup> day  
of March One thousand nine hundred and  
ninety-five B E T W E E N THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF HAVERING of Town Hall Main Road Romford  
(hereinafter called "the Council") of the first part and  
AYLETT GRAVEL LIMITED whose registered office is situated at  
St. Paul's House, Warwick Lane, London EC4P 4BN (hereinafter  
called "the Owner") of the other part

W H E R E A S :-

A. The Council is the local planning authority for the area  
in which the land hereinafter described is situate and by  
whom the obligation is enforceable

B. The Owner is the estate Owner in fee simple in  
possession free from incumbrances of the property described  
in the Schedule hereto (hereinafter called "the said land")

C. Planning permission for the extraction of minerals from  
the said land has been granted on various occasions under  
references ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63  
(PL/DB15/2143(A)) and L/HOR/428/65 (PL/DB15/2143) and those  
permissions have been implemented by the Owner and/or others

D. The Owner has by a written application dated the 7th day of December 1987 (as amended by further proposals in December 1992) applied to the Council under reference P2239.87 for planning permission (the proposed planning permission) under the Town and Country Planning Act 1971 for the carrying out of development on the said land comprising change of use of the said land to informal recreation and conservation including car parking, screen mounding and permanent lakes, and the erection of a concrete batching plant, ancillary buildings and other plant, the continued extraction and processing of indigenous materials, use of existing processing plant and land for processing indigenous and imported minerals, and improvement to access from Launderers Lane (hereinafter referred to as "the proposed development")

E. The Council consider that the proposed planning permission for the proposed development should be granted subject to certain conditions set out in the draft attached and for this purpose the parties have agreed to enter into the Agreement in the manner following:-

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is a planning obligation made in pursuance of Section 106 of the Town and Country Planning Act 1990 as substituted by Section 12(1) of the Planning and Compensation Act 1991 and of all the other powers statutory

or otherwise enabling the parties hereto in that behalf and this Agreement is made with the intent so as to bind (so far as may be) the said land and each and every part thereof into whosoever hands the same may come

P.R. Butt  
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2. THE Owner hereby covenants with the Council upon commencement of the proposed development following the grant of the proposed planning permission as follows:-

- (a) not to carry out the proposed development except in accordance with this Agreement
  
- (b) not to carry out or permit to be carried out further on the said land development authorised by planning permissions referenced as follows:

ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63  
(PL/DB15/2143 (A)) and L/HOR/428/65 (PL/DB15/2143)

- (c) not to continue to use or permit to be used the concrete batching plant and the mineral processing plant on the said land after the expiry of 5 years or such extended period as may be agreed by the parties from the date of this agreement unless

- (i) the car park coloured grey shown on the plan annexed hereto has been constructed and

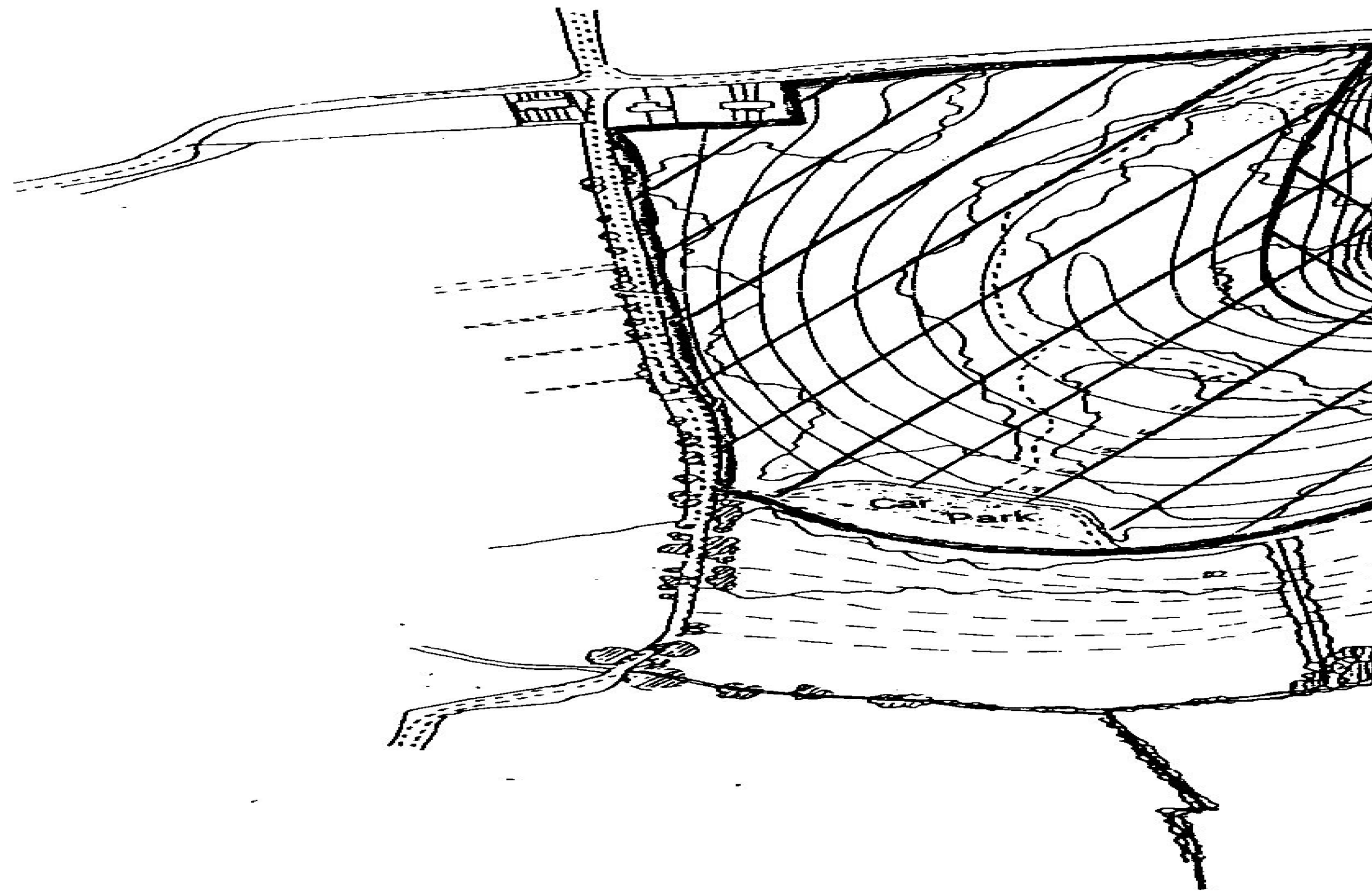
(ii) an agreement has been entered into by the Owner and the Council granting access to the general public daily between the hours of 0800 and 1800 to the car park and at all hours by way of physically defined and designated footpaths and a <sup>through</sup>bridleway ~~to~~ the woodland areas west of the lake as shown hatched green on the plan annexed hereto once the woodland has become established in accordance with the land scaping proposals set out in the proposed planning permission.

*P.R. Brett*

(d) not to continue to use or permit to be used the concrete batching plant and the mineral processing plant on the said land after the expiry of 10 years from the date of commencement of the proposed development or such extended period as may be agreed by the parties unless an agreement has been entered into by the Owner and the Council granting

(i) access to the general public daily at all hours by way of physically defined and designated footpaths and a <sup>through</sup>bridleway ~~to~~ the woodland areas shown cross hatched green on the plan annexed hereto commencing from whichever is the later of the third anniversary of the planting of each particular woodland area or in the reasonable opinion of the owner the establishment of the trees in accordance with the landscaping proposals

*P.R. Brett*  
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set out in the proposed planning permission.

(ii) access to the lake by members of clubs or societies nominated from time to time by the Council subject to the Owner's reasonable approval daily between the hours of 0800 and 1800 such access commencing on the completion of the proposed development for the purposes of organised recreational activities provided that the Owner may charge members of the said clubs and societies for the right to fish or enjoy any other reasonable use of the lake compatible therewith.

3. IT IS HEREBY AGREED AND DECLARED as follows:-

(a) that henceforth the planning permissions referenced ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63 (PL/DB15/2143(A) and L/HOR/428/65 (PL/DB15/2143) shall be treated as though they had been revoked on the date of the commencement of the proposed development pursuant to the proposed planning permission.

(b) that no compensation shall be payable by the Council to any party arising from the terms of this Agreement.

(c) that Aylett Gravel Ltd. shall not be liable for any breach or non observance of this Agreement

after it has parted with possession of the said land.

- (d) for the purposes of this Agreement section 56 of the Town and Country Planning Act 1990 shall determine when development is begun but shall not include demolition or removal of existing plant or machinery on the said land nor diversion or relaying of power and water lines and pipes.
- (e) for the avoidance of doubt the word "access" in this Agreement shall be interpreted as meaning generally free access to the footpaths and a bridleway but subject to:
  - (i) the Owner being able to restrict such access to designated and physically defined areas of land referred to in paragraphs 2(c) and 2(d) above with the consent of the Council (which consent shall not be unreasonably withheld) in order to protect that land or planting structures and facilities on that land.
  - (ii) the right for the Owner to prohibit inter alia activities set out in the Second Schedule to the National Parks and Access to the Countryside Act 1949 subject to any reasonable modification with regard to fishing on the lake which may be agreed



pursuant to paragraph 2(d) and to control and prohibit activities which are unlawful pursuant to the Wildlife and Countryside Act 1981.

(f) for the avoidance of doubt nothing in the access agreement shall restrict the rights of the Owner to let or licence or dispose of any part of the said land to derive income therefrom subject to the rights of the public to have access to the footpaths and bridleway and ~~the agreed~~ access to the lake pursuant to paragraph 2(d)(ii).

*P.R. Brett*  
*P.R. Brett*

(g) that the Owner will notify the Council within 14 days of the commencement of the proposed development and in particular the processing of materials imported on to the said land.

(h) that in negotiating the agreements referred to in paragraph 2(c) and 2(d) both the Council and the Owner will act reasonably and diligently with a view to completing the same within the time limits referred to.

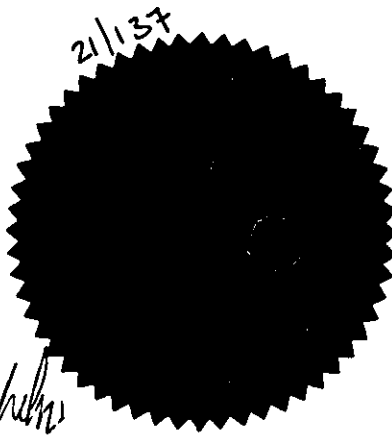
4. THIS Agreement is a local land charge and shall be registered as such by the Council

IN WITNESS WHEREOF the Council and the Owner have hereunto affixed their respective Common Seals the day and year first before written

THE SCHEDULE hereinbefore referred to

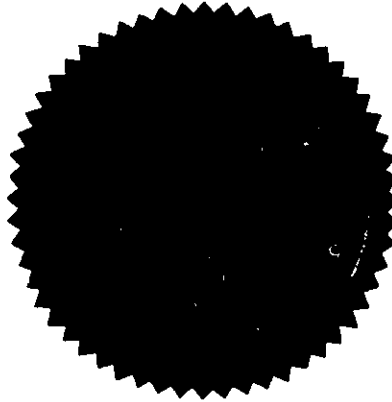
All that piece or parcel of land known as RAINHAM QUARRY, WARWICK LANE, RAINHAM, ESSEX in the London Borough of Havering which is for the purpose of identification only delineated on the plan annexed hereto and thereon edged red

THE COMMON SEAL of THE MAYOR AND )  
BURGESSES OF THE LONDON BOROUGH )  
OF HAVERING was hereunto affixed )  
in the presence of:- )



*J. H. ...*  
Mayor  
*P. S. ...*  
Authorized Officer

THE COMMON SEAL of AYLETT )  
GRAVEL LIMITED was )  
hereto affixed in the presence )  
of:- )



*J. ...*  
*P. R. ...*

Director  
Secretary

DATED

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THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF HAVERING

- and -

AYLETT GRAVEL LIMITED

A G R E E M E N T  
embodying planning obligation

pursuant to Section 106 of the Town and  
Country Planning Act 1990 as  
substituted by Section 12(1) of The  
Planning and Compensation Act 1991  
relating to the proposed development at  
Rainham Quarry, Warwick Lane, Rainham  
in the London Borough of Havering

M.J. Tink  
Borough Secretary & Solicitor  
London Borough of Havering  
Town Hall  
Main Road  
Romford  
Essex  
RM1 3BD

Ref:

## LIST OF PLANNING CONDITIONS

- (1) The development hereby permitted shall be carried out in accordance with the details and drawings set out in the statement dated December 1992 submitted in support of the application as modified by letters dated 11 May 1993, revised plans C dated February 1994, and D dated January 1994 except where amended by any of the following conditions or where agreed in writing with the Local Planning Authority.
- (2) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 Part 19, no operations for the erection, installation, extension, re-arrangement, replacement, repair or other alteration of any buildings, fixed plant or machinery, or structures or erections shall be undertaken other than the concrete batching plant, weighbridge and ancillary buildings proposed in the planning application, reference P2239.87, without the express permission of the Minerals Planning Authority.
- (3) No further development authorised by planning permissions ES/HOR/303A/61, ES/HOR/285/62, L/HOR/728/63 (PL/DB15/2143(A)) and L/HOR/428/65 (PL/DB15/2143) shall be carried out.
- (4) Unless otherwise agreed in writing by the Minerals Planning Authority, the whole of the development hereby permitted, apart from after-care, but including the excavation of the remaining sand and gravel reserves, shall be completed within fifteen years of the date of this permission.
- (5) The operations authorised, required or associated with this permission, excepting trees planting and after-care, and the temporary operations specified below shall only be carried out between the following times:

7.00am - 6.00pm Monday to Friday  
7.00am - 1.00pm Saturdays

No operations shall be carried out on Sundays, Bank or Public Holidays. All temporary operations, such as the replacement of soils, screening mound formation and the construction of ditches which take place within 45 metres of any residential property shall only be carried out between the following times:- 8.00am - 5.00pm, Monday to Friday, 8.00am - 1.00pm Saturday.

- (6) Within 6 months of the date of this permission, a scheme of landscaping and restoration shall be submitted to the Minerals Planning Authority for approval setting out details of the proposals shown generally on Plan C for the progressive restoration of the site and the timing of these activities, namely, tree and shrub planting, footpath and bridleway creation and public access, car parking provision, fencing, re-grading of banks and the construction of lakes and the nature conservation area. The restoration of the site shall be carried out in accordance with the approved scheme, and the timing set out for its implementation set out in the scheme, unless otherwise agreed in writing with the Minerals Planning Authority that there should be different steps or different timing.

- (7) Within six months of the date of this permission an after-care scheme covering a period of not less than 5 years, requiring that such steps as may be necessary to bring the land to the required standard for use for amenity and nature conservation, shall be submitted to the Minerals Planning Authority.

The submitted after-care scheme shall:

- (i) Provide an outline strategy for the maintenance of the restored land. This shall specify the steps to be taken and the period during which they are to be taken. The scheme shall include measures for the management and maintenance of:
- (a) proposed water and nature conservation area;
  - (b) grass and herbaceous vegetation;
  - (c) the new areas of tree and shrub planting;
  - (d) existing trees and scrub;
  - (e) paths, fences and roadways
- (ii) Provide for annual meetings between the applicants and the Minerals Planning Authority during the after-care period.
- (8) (i) Subject to (ii) below, the after-care of the site shall be carried out in accordance with the after-care scheme as approved by the Minerals Planning Authority.
- (ii) Where the Minerals Planning Authority agree in writing with the person or persons responsible for undertaking the after-care steps that there shall be lesser steps or a different timing between steps, the after-care shall be carried out in accordance with that agreement.
- (9) Within three months of the date this permission details of the proposed landfill gas and leachate management schemes and their monitoring shall be submitted to the Minerals Planning Authority. The scheme shall provide for landfill gas monitoring and venting on the boundary of the site adjacent to residential properties and include a timetable for its implementation. The approved scheme shall be implemented in accordance with the agreed timetable.

Reason: to prevent the pollution of groundwater and to ensure that the landfill gas is properly controlled and contained within the site and does not migrate beyond its boundaries.

- (10) Only excavated materials in their natural state, other soil forming materials or soils shall be deposited on the site (SERPLAN CATEGORY A).

Reason:

In the interests of amenity to ensure proper restoration of this site and to minimise the risk of pollution of ground and surface waters.

- (11) The final layer of cover shall comprise at least 0.6m of topsoil, subsoil or other such soil forming material, and under the areas to be planted with trees and shrubs this layer shall be at least 1.5 metres deep. This layer of material shall be kept free from all materials likely to interfere with the final restoration.
- (12) The final soil layer shall be graded so as to form the approved final contours and to provide an even surface to enable the land to be planted and sown with grass seed. The finished surface shall be subsoiled in such a manner as to disturb the whole soil profile to a depth of 0.4m to alleviate any compacted layers.
- (13) The spreading of soils shall only take place when they are in a suitably dry and friable condition and carried out in such away and with such equipment to ensure minimum compaction.
- (14) No heaps of soil or other materials shall be left on the site after the completion of restoration works.
- (15) Adequate precautions shall be taken during dry periods to minimise dust nuisance caused by operations with the aim of ensuring that no dust or other debris is carried onto adjoining or nearby properties to the satisfaction of the Minerals Planning Authority. During periods when dust is likely to be generated from haul roads and other operational areas they shall be sprayed with water from a bowser or similar apparatus which shall be kept and maintained on site at all times for this purpose.
- (16) In the event that any areas of uneven settlement occur during the restoration and after-care period, these shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.
- (17) Any trees or shrubs which within a period of five years following planting, die or are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Minerals Planning Authority gives written consent to any variation.

Reason:

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual 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.

- (18) The soils shall not be stored in mounds exceeding 3 metres in height. All other materials which may require storage shall be in mounds not exceeding 4 metres in height.
- (19) The proposed new concrete batching plant and the ancillary buildings and weighbridge to be relocated shall not be installed or erected until details of their proposed, design, layout and location, including materials and the

colour scheme for any external cladding has first been submitted to and agreed in writing by the Minerals Planning Authority.

- (20) Within 6 months of the date of this permission the existing concrete batching plant on the site shall be dismantled and the materials removed from the site. The new plant shall not be erected until such time as the existing plant has been removed.
- (21) No topsoil or subsoil or overburden shall be sold or otherwise taken off the site.
- (22) The processed and unprocessed sand and gravel at the plant site shall not be stored in mounds exceeding 6 metres above ground level, unless otherwise agreed in writing with the Minerals Planning Authority. All existing mounds which exceed this height shall be reduced to this level within 12 months of the date of this permission.
- (23) All existing trees and hedges except those within the area of sand and gravel extraction shall be retained unless otherwise agreed by the Mineral Planning Authority in writing. Any such tree or hedge damaged by the operations shall be replaced.
- (24) All plant, machinery, buildings, hardstandings and access roads used in connection with the excavation, transportation and processing of the sand and gravel or for the restoration of the workings shall be removed at such time or times as the Minerals Planning Authority may determine they are respectively no longer required for the purpose for which they were installed but in any event not later than 6 months following the 15 year period specified in condition 4 above, and upon their removal the land shall be reinstated in accordance with the approved restoration scheme.
- (25) All ingress to and egress from the site shall be from the existing access onto Warwick Lane, until such time as the new A13 West of Heathway to Wennington Section has been completed and is open to traffic and a new access has been constructed onto Lauanders Lane in accordance with Condition 26 below.
- (26) Within 12 months of the date of this permission details of the design and layout of the proposed access improvement onto Lauanders Lane shall be submitted for agreement to the Minerals Planning Authority. The access shall be designed so that all heavy goods vehicles using the site arrive from and leave the site from a southerly direction.

Reason:

In the interests of highwaysafety and amenity of nearby residential properties.

- (27) The approved access layout shall not be constructed until the new A13 West of Heathway to Wennington section has been completed and is open to traffic.
- (28) Within 6 months of the opening of the new trunk road referred to in Conditions 25 and 27 above, the new access layout onto Lauanders Lane shall

be constructed in accordance with the details approved under Condition 26 and used by all vehicles using the site. The existing access onto Warwick Lane shall then be closed.

Reasons: 25,26,27,28

To meet the reasonable requirements of safety for traffic at the A13 Trunk Road/Launders Lane Junction until the volume of that traffic is reduced by the opening of the new trunk road and to enable the A13 Trunk Road to be continued to be used as part of the national system of routes for through traffic.

- (29) Within six months of the date of this permission details of the proposed drainage of the areas to be re-contoured to include drainage ditches where appropriate shall be submitted to the Minerals Planning Authority. The approval shall be implemented on a phased basis provided for in the scheme.
- (30) In the event that any areas of uneven settlement occur during the restoration and after-care period, these areas shall be made good with suitable imported soils to the satisfaction of the Minerals Planning Authority prior to the end of the after-care period.
- (31) The deposit of any soils, imported clays, overburden and other soil forming materials shall not take place on the previously filled areas to the west of the processing plant until details of screening and noise attenuation mounds to be erected at the rear of the residential properties which adjoin the site have first been submitted to and agreed in writing by the Minerals Planning Authority. Details shall include siting, proposed dimensions, the timing of erection and removal and the earth spreading equipment to be used.
- (32) The mounds referred to in Condition 31 above shall be so designed and located, and appropriate equipment utilised to seek to achieve wherever possible, a noise level when measured on the boundaries of the site adjacent to any noise sensitive properties expressed as a rating level in accordance with BS4142:1990 does not exceed the LA90 reading by more than 5dB(A) and does not exceed 70dB LAeq (1 hour) in any event.
- (33) Temporary operations, defined as noise barrier formation and final restoration, including ditch and venting trench construction shall not exceed 70dB LAeq (1 hour) measured at the boundaries of the site adjacent to any noise sensitive property for a period of more than 10 working days in any 6 month period.

Reason for Conditions 1 - 8, 11 - 24, 29 - 33

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 amenity and nature conservation use.