

REGULATORY SERVICES COMMITTEE

REPORT

13 October 2011

Subject Heading:

**P0518.11 – Spring Farm / Rainham
Quarry, Lauanders Lane, Rainham**

**Removal of Condition 7 of planning
permission P2098.04 and
consequential amendments to other
conditions.**

Report Author and contact details:

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Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[]

SUMMARY

This planning application proposes the removal of a planning condition under the provisions of Section 73 of the Town and Country Planning Act 1990. Condition 7 of planning permission P2098.04 requires the operator of Spring Farm Quarry to construct a new access onto New Road prior to the importation of waste material to the site. The planning application under consideration proposes the removal of

condition 7 meaning that the new access onto New Road would not need to be constructed. Officers are recommending that planning consent be granted, subject to conditions and a deed of variation to the original legal agreement of 20th December 2006, and a further agreement under Section 106 of the Town and Country Planning Act 1990 to prevent the processing of skip waste pursuant to planning reference P1323.11 being implemented.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into Legal Agreements under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the definition of Development and/or Planning Permission in the original agreement dated 20th December 2006 shall include the alternative reference as appropriate to planning permission/development pursuant to P0518.11;
- Save for consequential amendments to the original Section 106 all other recitals, clauses and obligations shall remain unchanged.
- The completion of a new legal agreement to ensure that the operator does not use land at Rainham Quarry for the processing of skip waste in accordance with planning permission P1361.02 and its successor, P1323.11, should planning permission be granted. Planning permission P1361.02 granted approval for the erection of plant and for the change of use of land to allow for the processing of skip and construction waste. Planning application P1323.11 seeks to extend the life of planning permission P1362.02. A legal agreement is required to prevent the skip waste use being implemented with the Developer/Owner covenanting not to seek compensation for agreeing not to implement the processing of skip waste use.

That staff be authorised to enter into legal agreements to secure the above and upon completion of those agreements, grant planning permission subject to the conditions set out below:

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. 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:

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.

INFORMATIVES

1. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is comprised of an established sand and gravel working, which the operator considers will be exhausted towards the end of 2015. The site forms an irregular shape and is broadly located within an area bounded by New Road to the south, Launder's Lane to the east, the Jewish Cemetery to the north, along with employment and residential development located along Lamb's Lane North, to the west. The site is designated as Green Belt, a Mineral Safeguarding Area, and part of the Thames Chase Community Forest in the Local Development Framework. Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment.
- 1.2 Mineral extraction continues to occur at the Spring Farm site, whilst the processing and bagging of the extracted mineral takes place at an existing facility located at Rainham Quarry. The Rainham Quarry site is located in close proximity to the application site, beyond Launder's Lane to the north east.
- 1.3 The site is very well screened from the surrounding area by extensive tree planting and screen bunding.

2. Description of Proposal

- 2.1 Condition 7 of planning permission P2098.04 states that:

"The deposit of waste materials at the site for the purposes of restoration of phases 1, 2 and 3 in accordance with the scheme approved under condition 4 above shall not commence until such time as the proposed access onto New Road has been constructed in accordance with the details submitted and approved under condition 6 above."

- 2.2 This planning application seeks approval for the removal of condition 7 of planning permission P2098.04. The condition requires the construction of a new access prior to the importation of waste to the site. However, there has been a change in circumstances since planning permission was granted, and the operator considers that the new access is no longer required. This matter will be discussed in greater detail further on in this report.

3. Relevant History

3.1 The planning permission of most relevance to this application is as follows:

P2098.04 – Excavation of sand and gravel; restoration of land to all purpose agriculture and woodland to original levels by infilling with inert wastes.

3.2 The application under consideration has been submitted alongside two other planning applications that are related to the proposal and which seek variations to other existing planning consents. They are:

P0593.11 – Variation of condition 1 of planning permission P0761.05, to allow for the continued use of development associated with the mineral processing area, at the Rainham Quarry site until December 2015 – Under consideration.

P0712.11 – Variation of condition 4 of planning permission P2239.87 to continue mineral processing at Rainham Quarry until December 2015, with restoration occurring by 2016 – Under consideration.

An application has also been received that will vary condition 1 of planning permission P1361.02 to allow for the continued use of the bagging plant and amended aspects of P2239.97 until 31st December 2015.

3.3 Summary

Spring Farm Quarry (extraction area)

P0518.11 – Access changes at Spring Farm Quarry - Under consideration.

P2098.04 – Mineral extraction, infilling and restoration. Approved (15/01/2007).

Rainham Quarry (processing area)

P0712.11 – Continuation of mineral processing at Rainham Quarry to December 2015 – Under consideration.

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

P2239.87 – Continuation of mineral processing to March 2010 and re-erection of concrete batching plant – Approved (17/03/1995).

Rainham Quarry (bagging area)

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

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).

Rainham Quarry (processing area and bagging area)

P1323.11 – Variation of condition 1 of planning permission P1361.02 for the continuation of approved operations until December 2015 – Under consideration.

P1361.02 – Change of use for secondary aggregate and soil production (waste recycling); re-erection of mineral processing plant; and the erection of a bagging plant – Approved (03/04/2003).

4. Consultations/Representations

4.1 Statutory Consultees

Natural England - No objections.

4.2 Non statutory Consultees

Highways - No objections.

Thames Water - No objections.

Essex and Suffolk Water - No objections.

Rainham Preservation Soc - Objection – the operator should construct the New Lane access as the economy might improve and result in an increase in output at the site.

4.3 This application was advertised and notification letters were sent to adjacent addresses. No representations have been received from members of the public.

5. Relevant Policies

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD (“the DPD”) are material considerations in this case:

CP13 (Minerals Extraction)
DC22 (Countryside Recreation)
DC32 (The Road Network)
DC43 (Ready Mixed and Processing Plant)
DC45 (Appropriate Development in the Green Belt)
DC61 (Urban Design)

5.2 Relevant national planning guidance:

MPS1 (Planning and Minerals)
PPS1 (Delivering Sustainable Development)
PPG2 (Green Belts)
PPS25 (Flood Risk)

6. Staff Comments

- 6.1 This proposal is put before Planning Committee as the application entails an amendment to the legal agreement that accompanied planning permission P2098.04, in addition to a new legal agreement.
- 6.2 In the event that planning permission is granted in this case, the proposal would result in a new planning permission being issued. Where appropriate, and subject to any necessary amendments, the conditions imposed on the last planning consent would need to be re-imposed in this instance.
- 6.3 The main issues to be considered by Members in this case are the principle of development, access, and other considerations.

7. Assessment

7.1 Principle of development

- 7.1.1 The application site is located in a Mineral Safeguarding Area and within the Metropolitan Green Belt, and is also located within the Thames Chase Community Forest. Planning permission was granted for mineral working in 2007, with the proposal being assessed against the relevant Development Plan policies and national planning guidance at that time. As the application under consideration proposes a relatively minor change to an existing development, it is not considered necessary to reconsider whether mineral working and its subsequent restoration is acceptable in principle.
- 7.1.2 The proposal concerns a relatively minor change to an approved mineral working development and is not contrary to any of the site's designations and associated policies. The proposal is considered to be acceptable in principle.

7.2 Access Considerations

- 7.2.1 Policy DC32 of the DPD states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Policy DC42 states proposals for minerals extraction will be permitted provided there would be no significant adverse impact on safety and amenity from vehicular traffic.
- 7.2.2 As part of the application for mineral extraction at Spring Farm, the applicants proposed the creation of two new access points onto the public highway: one onto Launders Lane and the other onto New Road. The specifications and details of these access points were required by conditions precedent and subsequently approved, with the Launders Lane access

being implemented. Condition 7 of planning permission P2098.4 states that the importation of waste to restore phases 1, 2 and 3, can only commence once the New Road access has been constructed.

- 7.2.3 The application under consideration contends that the New Road access is no longer required. Since planning permission was granted for mineral extraction, there has been a significant change in the economic climate, with a resultant decline in the demand for sand and gravel. Moreover, other traffic-generating uses that were anticipated along Lauanders Lane have not arisen.
- 7.2.4 Given the change in circumstances, it is anticipated that the traffic movements along Lauanders Lane are likely to be significantly lower than the predictions made as part of the Spring Farm Environmental Statement. This anticipated reduction is arrived at by having regard to the reduced output of sand and gravel; the predicted reduction in annual landfilling rates; and the fact that the waste recycling use (P1362.02) has never been implemented.
- 7.2.5 The Environmental Statement accompanying the approved Spring Farm application stated that annual output of sand and gravel would be approximately 125,000 tpa. When taken together with the waste recycling uses at the Rainham Quarry site, it was anticipated that the average daily traffic movements generated would be approximately 153, around half of which would be associated with skip, construction, and demolition waste. It was anticipated at the time that infilling would take place at a rate of 133,000 tpa, equivalent to around 57 daily vehicle movements.
- 7.2.6 It is anticipated that the current operations at Spring Farm and Rainham Quarry are generating around 75% less traffic movements along Lauanders Lane than originally predicted. With the eventual infilling works factored in, which it is predicted will be at a lower rate than originally anticipated, the daily lorry movements along Lauanders Lane would be 40% of the movements originally anticipated; an average of 83 movements as opposed to 210.
- 7.2.7 Such a significant reduction in anticipated lorry movements supports the argument that it would be unnecessary to construct the New Road access, with the expense and disruption this would cause. Conversely, it could be argued that if economic conditions improve, with an increase in output and subsequent infilling at Spring Farm, that the new access might continue to be required. Particularly if the waste recycling uses that have not been implemented at the Rainham Quarry site were to be brought into use.
- 7.2.8 The Rainham Preservation Society has objected to the proposal stating that the original modeling submitted by the applicants demonstrated that a new access would be needed. Moreover, whilst the applicants cite the economic downturn and local circumstances as reasons why the New Road access is not required, it is possible that the economic climate could improve.

7.2.9 It is considered unlikely that economic conditions, and output/infilling at the Spring Farm site, would improve to such an extent that the originally approved traffic projections would be reached. With the waste recycling use held in abeyance, this would require output and infilling rates well in excess of what was originally anticipated before the recession. However, in order for the proposal to be considered acceptable, officers consider that it would be prudent to prevent the approved waste recycling use at Rainham Quarry from being implemented. The bulk of the traffic arising from the waste recycling use would have been from the skip waste element. The operator has agreed to enter a legal agreement in which they will agree not to implement the skip waste processing use, although they would wish to retain the right to implement the processing of construction and demolition waste.

7.2.10 The Council's Highway officers have considered the proposal and have raised no objections. In terms of its impact on highway safety and amenity, the proposal is considered to be acceptable and in accordance with Policies DC32 and DC42 of the DPD, subject to conditions and a legal agreement to prevent the implementation of skip waste recycling at the Rainham Quarry site.

7.3 Other Considerations

7.3.1 Parts of the site are located in Flood Zones 2 and 3, as defined by the Strategic Flood Risk Assessment. However, as the application proposes a minor variation to an approved mineral working, and given that a change to the access arrangements is unlikely to have any impact upon flood risk, it is considered that the information submitted is sufficient to determine the proposal. The proposed development is considered to be acceptable in terms of flood risk.

7.3.2 As discussed, in order for planning permission to be granted for this proposal, officers recommend the completion of a deed of variation of the legal agreement dated 20th December 2006 accompanying planning permission P2098.04. This would ensure that the provisions of the legal agreement would be upheld should planning permission be granted in this case. The legal agreement makes provision for the creation of public rights of way over the site following restoration. Moreover, in the interests of highway amenity, officers recommend that a separate legal agreement also be concluded to prevent the operators implementing a skip waste processing use on land at Rainham Quarry. Both agreements are under preparation.

8. Conclusion

8.1 Officers consider the proposal to be acceptable, having had regard to Policies CP13, DC22, DC32, DC42, DC45, and DC61 of the Development Plan, and all other material considerations, subject to conditions, an amended Section 106 Agreement, and a new Section 106 agreement

intended to prevent the implementation of skip waste processing at the Rainham Quarry site.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to draft a Deed of Variation of the Original Agreement dated 20th December 2006 and to draft a new Section 106 agreement which is required to ensure that the applicants do not implement a previously approved skip-waste processing use.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form

Original Planning Permission Reference: P2239.87

Section 106 Agreement relating to planning permission P2239.87

Supporting Statement received on 30/03/2011.