

**PLANNING COMMITTEE MEETING: 10 September 2009**

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC**

**REPORT OF THE DIRECTOR OF PLANNING**

<b>UDC CASE NUMBER:</b>	LTGDC-08-172-FUL	<b>DATE MADE VALID:</b>	22/12/2008
<b>APPLICATION NUMBER:</b>	U0013.08/LBHG	<b>TARGET DATE:</b>	02/10/2009

<b>APPLICANT:</b>	Veolia Limited
<b>AGENT:</b>	Enviros
<b>PROPOSAL:</b>	Rainham Landfill Re-Contouring Scheme
<b>LOCATION:</b>	Veolia Landfill Site, Freightmaster Estate, Rainham,

**1. SUMMARY**

- 1.1 The application relates to the Veolia landfill site located at Coldharbour Point, Rainham within the London Borough of Havering. The proposal seeks to revise the agreed pre- and post-settlement contours in order to facilitate the early delivery of visitor facilities associated with the proposed 'Wildspace' conservation park. The need for the application arises from the changing nature of waste deposited in the landfill brought about by such factors as the emphasis on recycling and the Landfill Tax. This has meant that a greater proportion of degradable material is received by the landfill, resulting in a greater rate of settlement than was originally envisaged.
- 1.2 The applicant's projections are that if the currently-conditioned limitation on road-based importation of waste from 31 December 2012 remains the landfill site will not receive the required volume of waste needed for the revised pre-settlement contours as insufficient waste is transported by river. Therefore, the application also seeks the continuation of road borne waste until 31 December 2018.
- 1.3 The primary areas of consideration therefore relate to the importation of waste, the potential impact on air quality and odour, the increase in road borne traffic in the area and the revised landform. Other areas of consideration relate to the impact of the proposal on the adjacent statutory sites for nature conservation and indirectly the future Wildspace improvements.
- 1.4 Overall, the proposal is acceptable in terms of principle, being wholly compliant with national, regional and local strategy and policy for the location. The site specific considerations have been examined through the Environmental Statement and the

conclusion of Officers is that the environmental impacts are not considered to be significant enough to warrant refusal.

1.5 The application is before Members with a recommendation to approve, subject to conditions and a legal agreement to secure the following:

- Travel Plan limiting the waste vehicle movements to 300 per day, reducing as public access increases, volume decreases and to be reviewed annually as well as limiting the hours of vehicle access as public access to the site increases.
- Grant the London Borough of Havering the option of a leasehold over the site on a phased basis subject to an independent review of contamination, pollution and health risks.
- Upgrade the Rainham to Purfleet Path as a Public Right of Way
- Maintain Coldharbour Lane to a standard reasonable for public access.
- Grant the London Borough of Havering the right to purchase the Aveley Saltings
- Ensure public liability insurance provided, at the cost of the developer, should early public access be exercised.
- Provision a timetable for the early delivery of public access, to be agreed with the Local Planning Authority.
- Provide for defined areas of public access outside of operational and restricted areas
- Submit and implement an Ecological Method Statement to include a monitoring programme for over-wintering bird populations
- Submit and implement a landscape and restoration plan
- Revisit the settlement model at regular intervals, to be agreed with the Local Planning Authority, and provide a contingency plan.
- Provide an Odour Mitigation Strategy to the satisfaction of the Local Planning Authority

1.6 If Members agree the recommendation, the application will be referred back to the Mayor of London for his Stage 2 determination.

## **2. SITE AND PROPOSAL**

### Site Description

2.1 The site is the Rainham Landfill Site, a 177 hectare parcel of land located between Coldharbour Lane and the River Thames. The site is currently operational and has been so for the past 150 years. In addition to general landfill operations, the site also includes a materials reclamation facility, waste transfer station, composting plant, woodchipping plant, ash plant and a landfill gas power plant. Non-hazardous and inert waste is imported to the site by road and river.

2.2 Surrounding the site is a mixture of industrial uses and natural features. In terms of the industrial surroundings, adjacent to the site, but not included within this application, is the Freightmaster Estate on the southern most tip of Coldharbour Point. On the northern boundary of the application area is a Tilda Rice plant and, beyond that, the Beam Reach 8 LDA site. Other on-site uses include a composting facility, waste transfer station, wood shredding operation, ash handling plant and a landfill gas electricity generation plant.

2.3 The land to the north of the site is a Site of Special Scientific Interest, namely the Inner Thames Marshes Site of Special Scientific Interest (SSSI) which comprises

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the Rainham, Wennington and Aveley Marshes. To the east is a RSPB reserve. Adjacent to the south and west of the site is the Havering Riverside Path which forms part of the London Loop strategic network of pathways.

2.4 The nearest residential development is located approximately 1km away on the southern side of the River Thames, being Erith in the London Borough of Bexley. Other residential properties include Rainham, located approximately 1.3km north, Wennington 1.3km north east and Purfleet 1.4km east which is in the Borough of Thurrock.

### Proposal

2.5 Veolia Environmental Services, who own and manage the site, seek by way of this application, the placement of an additional 3.6 million tonnes of non-hazardous waste on the landfill site, thereby amending the pre- and post-settlement landfill contours agreed in the original planning permission P1275.96 and continuing road borne import of waste beyond the agreed cessation date of 31 December 2012 to 31 December 2018.

2.6 At present, the agreed post-settlement contours intend to result in two peaks with a saddle ridge linking both. The height of the western peak is agreed at 37 metres, while the eastern peak is 31 metres. The ridge linking the two is at 27 metres. The contours are such as to create sloping terrain that will be accessible by the public and will be able to accommodate a range of visitor facilities. To achieve these post-settlement levels, the pre-settlement contour heights that were originally agreed were to 41.2 metres at the western peak, 36 metres at the eastern peak and 34 metres at the ridge.

2.7 The revision to the agreed contouring is needed due to a change in the rate of settlement from that which was originally envisaged. Essentially, this has been due to a change in the nature of material being brought to the site. Increased recycling rates and the imposition of the Landfill Tax have resulted in the composition of material brought to the site having a higher degradability, therefore resulting in a higher rate of settlement. Should the re-contouring not take place, the result would be lower final gradients that would make public access to the site and the deliverability of visitor facilities uncertain due to poor drainage and increased gas build-up. This result would also be contrary to Environment Agency requirements.

2.8 Therefore, the application seeks a revised pre-settlement contour arrangement that will increase the western peak 11.8 metres to 53 metres, the eastern peak by 6.4 metres to 42.4 metres, the saddle between the peaks 3.5 metres to 35 metres and the south west facing valley below the peaks and the saddle by 12 metres. The result of these changes to the pre-settlement contours is that the final restoration profile will remain as originally agreed, with the exception of the south west facing valley which will increase in height by 7.5 metres.

2.9 In order to meet these revised contours, the application also seeks to amend the original condition that road borne waste imports will cease on the 31<sup>st</sup> of December 2012 and that further waste importation will be by river only. The application accordingly seeks the continuation of road-borne waste imports for the duration of the landfill, until December 31<sup>st</sup> 2018.

2.10 The application also makes available an area of land on the eastern edge of the site for the development of a visitor centre to ultimately serve the future 'Wildspace'

Conservation Park. Although these facilities do not strictly form part of this application, they are an intrinsic part of the re-contouring proposals and are therefore discussed in this report.

### 3. MAIN ISSUES

- Principle of the Development
- Transport Arrangements for the Importation of Waste
- Air Quality and Odour
- Pre and Post Settlement Land Form
- Nature Conservation
- Wildspace Proposals

### 4. RELEVANT SITE HISTORY

4.1 The site has been utilised for landfill over the past 150 years and has an extensive planning history. The most relevant permission to this application is the original planning permission for the contouring of the site, which was granted by the London Borough of Havering in February of 1998 (reference P1275.96). This permission set the landfill contours to the previous rate of settlement, prior to the current situation where a large proportion of non-biodegradable material is diverted to recycling facilities rather than landfill. For the information of Members, the planning history for the site is set out below:

- L/Hav/1416/67 - Disposal of household refuse and waste materials - Approved
- L/Hav/1049/83 - Deposit of refuse materials - Approved
- P0257.86 - Deposit of refuse materials to extend contoured landform - Approved
- P0905.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1806.86 - Jetty Extension - Approved
- P1809.86 - Refuse container unloading and transfer system involving the extension of the existing deep water jetty complex - Approved
- P1409.91 - Renewal of temporary permission for refuse container unloading & transfer system involving the extension of the existing deep water jetty complex - Approved
- P1424.93 - Relocation and improvement of facilities ancillary to landfill site, including works hop x 2, office, site control office, mess facilities, toilets facilities, wheelspinners diesel storage and car park - Approved
- P0715.94 - Landfill gas powered electricity generating station - Approved
- P1409.95 - Renewal of P1806.86 - Approved
- P1058.95 - Modification of condition 10 of P1049.83 to enable supply of waste by road - Approved
- P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme - Approved
- P0121.97 - Delete Condition 1 of permission P1058.95 to allow the continuation of delivery of waste by road to Rainham Landfill Site, Coldharbour Lane, Rainham - Approved
- P0159.97 - Retention of road access - Approved
- P0824.97 - Erection of open plan temporary domestic waste transfer facility - Approved
- P0835.97 - Continued use of the waste transfer jetty - Approved

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- P0015.98 - To retain and use existing vacant Nissan hut for recycling trials and occasional maintenance - Approved
- P1139.98 - Renewal of permission P0824.97 for the erection of open plan temporary domestic waste transfer facility - Approved
- P1324.98 - Storage, recycling and provision of recovered electrical equipment, paper & household co-mingled recyclable materials - Approved
- P0861.99 - Variation of Condition No.11 of planning permission P1275.96 allowing opening on 27th & 28th December 1999 and 3rd January 2000 - Approved
- P1032.00 - Improvements to unadopted Coldharbour Lane, including carriageway widening, the erection of gates and a security post - Approved
- P1901.03 - A plant for the in-vessel composting of bio-wastes to produce a saleable compost - Approved
- P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration - Approved
- U0002.05 - Autoclave processing facility for municipal solid waste - Approved
- U0005.06 - An extension to the domestic materials recycling facility - Approved
- U0011.08 - Variation of condition 1 of planning permission P0835.97 to allow for the export of recycled aggregates - Approved

## 5. CONSULTATIONS

### London Borough of Havering

5.1 The application was put before the London Borough of Havering Regulatory Services Committee on the 27<sup>th</sup> of August 2009, who resolved to recommend that the Corporation approve the application, subject to the satisfactory complete of a Section 106 legal agreement and conditions. The suggested terms of the legal agreement and conditions are as follows:

#### 5.2 Legal Agreement:

- Submission of a Travel Plan which includes the limitation of waste vehicle movements to 300 per day which shall be reduced as public access increases and volumes decrease to be reviewed annually or as otherwise agreed;
- Grant London Borough of Havering the option of a leasehold on Veolia's Land on a phased basis subject to an independent review of contamination, pollution and health risks;
- Uprate the existing Rainham to Purfleet path to a public right of way;
- Retain Coldharbour Lane for public access
- Grant London Borough of Havering the right to purchase Aveley Saltings;
- Ensure that Veolia extend public liability insurance should early public access be exercised;
- Provide realistic timeframes to allow early public access;
- Ensure public access is defined outside of operational and restricted areas through adequate measures;
- Submit and carry out an Ecological Method Statement for the treatment of existing habitats on already established areas;
- Submit and implement landscape and landscape plan;
- Revisit the settlement model at regular agreed intervals and provide a contingency plan.

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### 5.3 Conditions to secure the following:

- No exportation of material from the site except as per consent for the jetty;
- Restricted hours of road borne waste except restoration materials Monday to Friday and Saturday AM only. No Sundays or Public Holidays without prior written consent.
- No further waste processing buildings or building works without prior permission
- Dust Mitigation
- Noise Mitigation
- Odour Mitigation
- Vermin Mitigation

### London Borough of Barking and Dagenham

5.4 Barking and Dagenham are content to raise no objections on the basis that adequate odour and dust controls are in place. It was also requested that vehicles transporting waste are adequately covered and that the number of trips per day does not exceed 200.

### London Borough of Bexley

5.5 Officers of the London Borough of Bexley reviewed the submission and in light of concerns raised by two of their ward councillors, Cllr David Leaf and Cllr Bernard Clewes, put the scheme to their planning committee on the 26<sup>th</sup> of February 2009, recommending that the Borough raise no objection. The basis of the councillor's objection was that locations within Erith on the southern side of the River Thames would be detrimentally affected by increased levels in odour and a deterioration in local air quality leading to a general decline in human health and quality of life. The councillors also contend that there was insufficient public consultation within Bexley, that the visual impact upon the Belvedere/Erith area will be unacceptable and that the proposal is in contravention of European waste policies. The councillors have also written to the (then) Secretary of State, Rt Hon Hazel Blears MP requesting that she use her authority to call in and determine the application.

5.6 By way of an addendum to their committee report, Bexley Officers also reported that John Austin MP objected to the scheme on the basis of odour nuisance, environmental damage caused by increase vehicle movement and contravention of waste policy. Mr. Austin was reported to ask the committee to request on behalf on behalf the Borough that the Secretary of State calls in the application.

5.7 Bexley's committee resolved to go against officer recommendation and object to the proposal, stating that the increase in odour is likely to be detected by residents, leading to complaints and that in the time made available to them to comment, they were unable to conclude that there would be no other environmental impacts. Bexley also mention that they consider that insufficient public consultation has been undertaken within the Borough of Bexley. The committee also resolved to request to the Secretary of State that the application be called in for determination.

5.8 Following this initial resolution, the applicant submitted a direct response to the issues raise by the Committee Members and Ward Councillors as well as submitting further information in response to concerns raised by the Environment Agency (discussed later in this report). Upon receiving this information, the scheme was put to Bexley's Planning Committee on the 23<sup>rd</sup> of July 2009, who resolved to

withdraw their earlier objection and their Secretary of State call in request.

- 5.9 Despite the withdrawal of the objection, it is understood that the two Ward Councillors and John Austin MP maintain their objection towards the scheme and have not withdrawn their request to the Secretary of State for call in.

#### Greater London Authority

- 5.10 The GLA Stage 1 Report went before the Mayor of London on the 4<sup>th</sup> of March 2009 where it was resolved to advise that the scheme does not comply with the London Plan, however remedies were also set out to achieve a more policy compliant scheme. The applicant has provided a specific response to each of the concerns raised by the Mayor, however at the time of writing it is not known whether these responses have been accepted and the concerns overcome.
- 5.11 In terms of the principle of the increase in waste, the Mayor considers that the application complies with the London Plan policies 4A.21 and 4A.24 in terms of waste strategic policy and targets and the existing provision of waste facilities.
- 5.12 The Mayor is generally supportive of the open space delivery and the features secured for the Wildspace Conservation Park, stating that “...*in principle the package of additional benefits offsets the impacts of the proposed amendments and will be of overall benefit at a strategic level.*”
- 5.13 The river transport element of the scheme is not accepted by the GLA. This is in response to the applicant’s comments regarding the availability of viable river transport contracts to move waste to the site. The GLA contest this and lists several sites within London that have the potential to become waste transfer stations that could incorporate river transport. In response to this comment, the applicant maintains that there is no foreseeable opportunity to increase the amount of waste imported to the site by river and goes on to state that Veolia’s commitment to any future provision of river based imports is demonstrated by their investments in improving the jetty.
- 5.14 Some concerns have been raised regarding the landscaping and design of the scheme, in particular the landscaping element of the restoration. It was considered that further thought should be given to the size of the potential car park and its distance from the visitor centre, the layout of the footpaths and the planting arrangements. Although it has been acknowledged that these elements are indicative only, the GLA have requested further information. In terms of the changes to the landfill contours, the GLA conclude that the visual impact is likely to be indiscernible. The applicant has responded to these comments by reiterating that the restoration proposals are conceptual only and that the detailed design of such facilities is beyond the scope of the application. A Leisure Masterplan has been produced by the applicant to inform the suitability and viability of such facilities and will support any condition or Section 106 clause attached to the decision.
- 5.15 In terms of access and equal opportunities, the GLA contend that insufficient information has been provided to determine whether the scheme is in compliance with the London Plan. The GLA have also asked that a Design and Access Statement be submitted with the proposal. The applicant has responded by stating that it is their intention that all restoration visitor facilities will provide for inclusive access, however the specific proposals do not form part of this submission and will form separate planning applications accompanied by individual Design and Access

#### Statements.

- 5.16 On balance, the Mayor supports the biodiversity aspect of the ES, accepting that although the re-contouring proposals may lead to a detrimental impact on the adjacent SSSI, the eventual restoration of the site will lead to an improvement in the overall situation.
- 5.17 The scheme is generally consistent with the London Plan's energy policies, however it is felt that there is further capacity for renewables on site, such as wind turbines.
- 5.18 The GLA have undertaken a thorough analysis of the potential air quality impact of the scheme, detailing their view on the assessment criteria, baseline conditions, flare and engine emissions, fugitive emissions, odour stripping and recharging, landfill gas, road traffic, dust and potential mitigation. The overall conclusion of this analysis was that the impacts of the proposed development are neutral, with the exception of the odour impact associated with the stripping when compared with the existing operation. The applicant has responded to this odour aspect by providing the detailed calculations that the GLA were unclear on and clarifying that the increase is determined from the site overall and not individual locations.
- 5.19 The Mayor concludes that the proposal does not raise any strategic concerns with regard to noise or flooding.
- 5.20 In terms of transport, the primary points are: further clarity is sought on the car and cycle parking arrangements, that the HGV trip limitation be revised, that the movement of freight by water be maximised and that a Travel Plan be developed for the site. The applicant has agreed to these points, specifically through the submission of a separate application for the site entrance and agreeing to develop a Travel Plan through the Section 106 agreement.

#### Environment Agency

- 5.21 The Environment Agency's initial response to the proposal was received on the 13<sup>th</sup> of March 2009 and objected to the proposal. This objection was based on the following points:
- The hydrogeological risk assessment not adequately considering the risk posed by surcharging leachate levels appropriately
  - The risk to surface water from leachate outbreaks was not adequately considered
  - Further information was required on the 'encapsulation' of contaminated land
  - The risk assessment did not demonstrate compliance with the Landfill Directive in terms of engineering requirements to enable continued operations.
  - A contingency plan was needed should settlement rates be over-predicted.
  - The 'GasSim' modelling for landfill gas did not consider site receptors that will be introduced as part of the proposal, i.e. future recreational users.
  - The gas risk assessment did not consider the Air Quality Management Area sufficiently
  - The proposal was considered to be contrary to the EA's objectives to reduce carbon emissions from this site.
  - A stability risk assessment was required, demonstrating that the re-contouring is stable in the short, medium and long terms.



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5.22 In response to these concerns, the applicant submitted an 'Environmental permit variation application' document, a letter replying directly to the comments and a report titled "Rainham Landfill Stability Assessment Report". The Environment Agency confirmed on the 14<sup>th</sup> of May 2009 that this information was sufficient to overcome all of their point of objection with the exception of those relating to air quality. Accordingly, the applicant submitted an 'Integrated Response to Comments on Air Quality' dated June 2009, which as confirmed in their response of 16 July 2009 was sufficient to overcome the EA's remaining concerns.

5.23 In removing their final objections to the scheme, the EA have recommended conditions to secure:

- An eight metre vegetated buffer zone alongside the Rainham Main Sewer
- No light spill into the watercourse or river corridor habitat
- A scheme to reduce the existing surface water runoff and details of improvements, protection and maintenance existing flood defences
- Assurance that pre-settlement contours shall not be exceeded

#### Transport for London

5.24 TfL do not regard the proposal to result in an unacceptable impact to the Transport for London Road Network, being the A13. It has however been recommended that the developer seek an increase in the use of water transportation for the importation of waste.

5.25 The maximum limit of HGV trips to the site is noted, however the comment was made that the maximum level currently secured is exceeded in practice.

5.26 Parking on site should be formalised to improve safety and a minimum of two spaces should be provided.

5.27 A Work Place Travel Plan has also been recommended.

#### Natural England

5.28 Natural England support the scheme in principle based on the potential to support the 'Wildspace' proposal. However, concern has been raised regarding the potential impact upon wintering bird populations. They have therefore recommended that a monitoring programme be secured by Section 106 agreement in consultation with the RSPB.

#### Campaign to Protect Rural England

5.29 The CPRE have objected to the proposal, primarily based on the 3.6 million tonnes of waste proposed to be imported as well as the increase in pre-settlement airspace required. The low waste recycling percentages of East London Waste Authorities in comparison to other waste authorities has been highlighted as being an issue that needs to be addressed by diverting non-inert material from landfill through better management systems. It is the opinion of CPRE that there are grounds for refusal based on these issues, but this should not be to the detriment of the 2018 country park restoration package.

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### Rainham Preservation Society

5.30 The Rainham Preservation Society initially objected to the proposal on 25<sup>th</sup> January 2009, citing potential health implications for local residents, odour and the continuation of road imports as sufficient reasons for refusal.

5.31 A second objection was received on the 20<sup>th</sup> of August 2009 reiterating their objection, placing particular emphasis on the potential for local air quality to deteriorate as well as concerns relating to human health, odour, national and European waste policy and visual intrusion. It has also been suggested to the London Borough of Havering that a request be made to the Secretary of State that the application be called in for determination. The Borough has not made such a request.

### Port of London Authority

5.32 The PLA have no objection to the principle of the application and suggest that reviewing opportunities for the transport of waste by river should be formalised through a planning condition.

### Other Consultation Responses

5.33 Thames Water, National Grid, the Metropolitan Police, London Fire Brigade and English Heritage have all responded, advising that they each have no objection to the proposal.

## **6. APPLICATION PUBLICITY**

6.1 Site Notice Expiry: 16 February 2009

6.2 Press Notice Expiry: 9 March 2009

6.3 Neighbour Notification: 6 January 2009

## **7. REPRESENTATIONS**

7.1 A total of 102 neighbouring properties were consulted in the Rainham area. The application was also advertised by site notice and in the local press.

7.2 A number of objections from the London Borough of Bexley have implied that the consultation of their residents has been inadequate. Members will note that it is not the responsibility of the Corporation nor the London Borough of Havering to ensure that Bexley's residents are individually consulted, but rather the responsibility of Bexley to notify their own residents once they have been made aware of an application in a neighbouring Borough. There is also the practical matter that neither the Corporation nor Havering have access to individual resident information within Bexley and are therefore not in a position to establish the appropriate individual properties to consult.

7.3 Two residents of Rainham and a local Councillor have commented on the scheme and have both raised objections. These objections are summarised as follows.

Individual Comment	Response to Comment
<ul style="list-style-type: none"> <li>• The proposal is too high and is out of place with the low level wet lands of the surrounding area.</li>   <li>• The settlement level cannot be guaranteed</li>   <li>• The visitor facilities can be provided without the additional waste.</li>   <li>• The current views enjoyed by residents in Wennington across farmland to the site will be significantly affected and the submitted photographs of the existing landform in incorrect. The Members of</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed post-settlement contours are largely consistent with those already approved, while the pre-settlement contours would not be particularly discernable considering the settle rates and in the overall scale of the landfill. Whilst the finished levels may appear at odds with the surrounding low level wet lands, the site has been used as a landfill for the past 150 years and can be considered to be part of the landscape within living memory. This is discussed in greater detail in section 9 of this report under the heading 'Pre and Post Settlement Landform'.</li>   <li>• The rates of settlement have been modelled and submitted as part of the application. Officers of the Corporation, the Borough and the Environment Agency are satisfied that this modelling accurately represents the future settlement rates. Modelling of settlement rates shall continue and be will be secured by legal agreement. A more detail analysis of this aspect of the scheme can be found in section 9 of this report, under the heading 'Pre and Post Settlement Landform'.</li>   <li>• The applicant has discussed whether the visitor facilities can be delivered without the need for additional waste importation and has concluded that due to the changing nature of waste deposited in landfill, the appropriate post-settlement contours could not be achieved to deliver the early delivery of visitor facilities. Furthermore, the 'do nothing' scenario is likely to result in a greater environmental impact. This is discussed in greater detail within section 9 of this report, under the heading 'Wildspace Conservation Proposals'.</li>   <li>• Officers from both Havering and the Corporation have viewed the site from Wennington. Their conclusion is that the impact will not be such as to merit refusal given the distance to the site</li> </ul>

<p>the Committee should visit Wennington before making a decision to assess the true situation.</p>	<p>and the relatively small difference between the previously agreed post-settlement heights and what is proposed. Members will also be aware that loss of view in itself is not a reason for refusal.</p>
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## **8. RELEVANT PLANNING POLICY**

### 8.1 Planning Policy Guidance

PPS1 Delivering Sustainable Development  
PPS9 Biodiversity and Geological Conservation  
PPS10 Planning and Sustainable Waste Management  
PPG13 Transport  
PPG17 Planning for Open Spaces, Sport and Recreation  
PPS23 Planning and Pollution Control  
PPG24 Planning and Noise  
PPS25 Development and Flood Risk

### 8.2 The London Plan

3C.2 Sustainable Transport in London  
3C.25 Freight Strategy  
4A.19 Improving Air Quality  
4A.21 Waste Strategic Policy and Targets  
4A.22 Spatial Policies for Waste Management  
4A.23 Criteria for the Selection of Sites for Waste Management and Disposal  
4A.24 Existing Provision – Capacity, Intensification, Re-use and Protection  
4C.6 Sustainable Growth Priorities for the Blue Ribbon Network  
4C.8 Freight Uses on the Blue Ribbon Network  
4C.16 Importance of the Thames  
4C.17 Thames Policy Area

### 8.3 London Borough of Havering Local Development Framework (2008)

#### Core Strategy DPD

CP7 Recreation and Leisure  
CP8 Community Facilities  
CP10 Sustainable Transport  
CP11 Sustainable Waste Management  
CP15 Environmental Management  
CP16 Biodiversity and Geodiversity

#### Development Control Policies DPD

DC19 Locating Cultural Facilities  
DC20 Access to Recreation and Leisure  
DC22 Countryside Recreation  
DC33 Car Parking

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DC34 Walking  
DC35 Cycling  
DC40 Waste Recycling  
DC48 Risk  
DC50 Renewable Energy  
DC51 Water Supply, Drainage and Quality  
DC52 Air Quality  
DC55 Noise  
DC58 Biodiversity and Geodiversity  
DC61 Urban Design  
DC62 Access  
DC63 Crime  
DC72 Planning Obligations

#### Site Specific Allocation

SSA17 London Riverside Conservation Park

#### 8.4 Other Relevant Planning Policies & SPG's

The Mayor's Municipal Waste Management Strategy (2003)  
DEFRA Waste Strategy for England (2007)  
Joint Waste Development Plan Document for East London Waste Authority Boroughs -  
Proposed Submission Document (2009)

### **9. ASSESSMENT OF MAIN ISSUES**

#### Principle of the Development

9.1 PPS10 is the primary policy document that addresses the Government's approach to waste and land use planning. PPS10 states that in the assessment of waste related development, the focus needs to be centred on the use of the land and the impact on other land uses. Pollution control, though complementary to the planning system, seeks through separate legislation and regulations to limit the impact of waste development on the environment. Therefore, the assessment of the planning application should not overlap separate controls and it is reasonable to assume that the relevant pollution regime will be applied and enforced.

9.2 At a regional level, waste management emphasis is centred upon reduction and recycling. This emphasis on recycling is part of the reason for the change in settlement rate and the consequent application. The proposal accords with adopted policy and supports the overall strategies for waste management in Greater London. Specifically, policy 4A.21 seeks to ensure that facilities are available to manage 75% of waste arising within London by 2010, 80% by 2015 and 85% by 2020. This policy also seeks to minimise the amount of energy used in the transport of waste by prioritising waste disposal sites close to the point of origin of the waste, ideally within Greater London rather than further afield.

9.3 In support of this policy, 4A.22 seeks to safeguard existing waste management sites and waste facilities including wharves, with an existing or future potential for waste management. Policy 4A.24 seeks to facilitate maximum use of existing waste sites, particularly existing landfill sites.

9.4 At a local level, Havering's Site Specific Allocation policy SSA17 acknowledges the

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extant planning permission which allows the raising of the site through the importation of non-hazardous waste for restoration proposals to public open space and amenity in line with Wildspace objectives, with final soil tipping to be complete by 2018. The proposal before Members does not conflict with the objectives of this policy and is required to achieve the high quality of final restoration.

- 9.5 As one of two locally accessible regional waste disposal sites in London, the principle of importing additional volumes of waste from London is generally supported by Havering's LDF policies DC40 and CP11 and preferred policy W1 of the emerging East London Joint Waste Development Plan Document - Preferred Options April 2008, which promotes sustainable waste management principles. The site is safeguarded by preferred policy W2 which has taken into consideration the limited timescale of 2018. The policy further aims to achieve the longer term goals of the London Plan and the LDF to reduce the long term reliance on landfill and ensure London's capacity is maintained and increased to ensure self sufficiency.
- 9.6 The proposal is considered to be consistent with the policy approach to landfill and waste management. Therefore, the application is considered by Officers to be acceptable in principle.

#### Transportation Arrangements for the Importation of Waste

- 9.7 PPS1 provides general guidance on the national approach to sustainable development, seeking to mitigate the environmental impact of the movement of material. PPG13 is more specific in this regard and states in paragraph 47 that local authorities should seek to move material by rail or water wherever possible. Indirectly, PPS10 is also relevant to the proposal, stating that consideration of waste management should be alongside other spatial planning concerns including transport.
- 9.8 At a regional level, the London Plan seeks to consider the movement of bulk materials by rail or water through policies 4A.21, 4A.22 and 4A.28, while at a local level, Havering's LDF Core Strategy and Development Control Policies encourage the movement of freight and material by sustainable means, such as rail and water.
- 9.9 A core area of the proposal relates to the continuation of vehicle movements to December 2018. Condition 4 of the original planning permission requires that after the 31<sup>st</sup> of December 2012, all waste brought to the site for disposal by landfill will be delivered by river. At present, 15% of all waste imports arrive by water. Whilst the remainder is received by road, the site accepts predominately London based waste and is in direct access to the A13 and the M25 facilitating easier road access.
- 9.10 The Transport Assessment accompanying the application states that for sufficient waste to be supplied to the site to meet the revised pre-settlement contours, road borne vehicle inputs to the site will be needed until 31 December 2018. The number of vehicle movements per day is to remain at 200, and it has been suggested that this shall be secured by Section 106 agreement.
- 9.11 As stated in the consultation section of this report, Transport for London has not raise any significant concerns in extending the timeframe for the importation of material by road. There is also no doubt that the existing road network is suitable for the movement of up to 300 waste vehicles per day, as this situation has existed since the granting of the previous permission in 1998 and has not resulted in any significant highway safety or capacity concerns. Considering the proposals for the

area, this situation is unlikely to change by 2018.

- 9.12 Although the Transport Assessment provided by the applicant and the consultation response to date does not indicate any issues with the scheme, the policy basis of the movement of goods prioritises the movement of goods by sustainable means, such as rail or water. With regard to the latter, a waste transfer jetty is already located at Coldharbour Point which can accommodate both the import and export of material. The application documentation has explained that although waste can be imported by river, the origin of this river based waste is limited.
- 9.13 Whilst the preference for waste importation is by water-borne methods, the applicant has stated that there is difficulty in securing the limited availability of contracts. Original calculations envisaged the delivery of the final soil tipping by 31<sup>st</sup> December 2018 which would allow for water borne waste imports to be the only form of waste import from beginning of 2013. However, as additional volumes of waste are required to achieve the final landform, it cannot be guaranteed that water based forms of importation can ensure the rate of fill required to meet the pre-settlement contours within the specified timeframe. Therefore, to rely exclusively on water based importation of waste would result in the delivery of the Wildspace projects being delayed. However, extending the importation of waste by road to 2018 should ensure the the pre- and post-settlement contours can be achieved within the required timeframe. Although the GLA have raised concerns in this respect, officers are generally satisfied that the applicant would utilise water borne methods where available in preference to road. In a statement to the GLA responding to the Stage 1 report, the applicant stated that, "*Veolia's willingness to utilise river-borne imports is demonstrated through the recent investment in the jetty. Approximately £2.5 million was invested to give the jetty a new lease of life. These repairs included renovations and corrosion resistance to the supporting structure in the water where corrosion had occurred.*" The increase in time of the road borne waste activities are not expected to give rise to significant traffic impacts. The impacts on air quality of the additional traffic movements have been described above and concluded to have minimal additional impact in this regard. Furthermore, the amount of investment and the recent grant of planning permission for the jetty to expand its waste operations are all indicators that the Thames will be a source of importation for the life of this permission.
- 9.14 Although preferential treatment is given to road borne waste imports, the applicant has demonstrated that this is the only feasible way of meeting the revised pre-settlement contours. On balance with the benefits of the revised contours and the delivery of Wildspace, the extension of road import to 31 December 2018 is considered to be acceptable.

#### Air Quality and Odour

- 9.15 The London Borough of Havering has identified the site to fall within an Air Quality Management Area (AQMA). As such, new developments must demonstrate that the proposal will not worsen the existing situation, at the least. London Plan Policy 4A.19 seeks that air quality is taken into consideration at the planning application stage by way of an Air Quality Impact Assessment. PPS23 also identifies air quality associated with land use and development as a material planning consideration.
- 9.16 The Environmental Statement has considered that the primary areas of potential

impact would be associated with emissions from traffic accessing the site, pollution from the landfill gas combustion plant, fugitive landfill gas and odour. Ultimately, the air quality and odour chapter of the ES concluded that there would be no significant effect on air pollution but the development would have a 'minor adverse' effect on odour in the local area.

9.17 In terms of the gas combustion plant, the emission rate is not expected to increase, however due to the additional waste importation it is expected to continue for a longer period of time. Therefore the existing rate of emission will continue at the existing baseline levels. This level has been accepted by the Environment Agency through their own permitting process as well as in their comments on this planning application, as stated in the consultation section of this report.

9.18 In terms of odour, the Environmental Statement concludes that the proposal will not give rise to odour emissions greater than those already experienced in the local area. The primary source of odour emission will be the stage when the landfill cap is stripped back so that further waste can be deposited to meet the revised contours. The modelling reported in the Environmental Statement suggested that stripping operations were likely to increase odour emissions by 370% in the first three hours of the working day, however the average increase in odorous emissions during the stripping process will be 45%. Sensitive receptor points have been indicated as being in Erith, Rainham, South Hall Farm, Wennington, Fanns Farm and the proposed visitor centre on site. With the exception of the proposed visitor centre, the maximum odour level at any hour during the year was projected to be 21.4OU/m<sup>3</sup>, which is a detectable level but is comparable with other odours commonly found in rural, industrial or commercial locations and is therefore unlikely to lead to odour nuisance complaints.

9.19 Odour was highlighted by the GLA as being the only area they consider to have an impact in terms of air quality. Similarly, the Environment Agency raised concerns initially, particularly with respect to the GasSim modelling conducted over the site, although Members will note that the Environment Agency has since removed this objection. Odour has also been a concern for the Councillors that raised objections from the London Borough of Bexley, particularly highlighting potential problems for residents of the Erith and Belvedere Wards.

9.20 The applicant has acknowledged that the cap stripping process may increase the risk of odour complaints in the area, but has also mentioned that when a similar process was conducted in 2003, no odour complaints were received. In order to minimise the risk of odour nuisance and complaints, the applicant has put forward a range of odour management measures that will include:

- Removing cap soils but retaining the plastic membrane in a 15 hectare zone of the site
- Retaining the 400mm protection layer until the tipping is imminent in a 5 hectare area of the site
- Stripping back the top 250mm of protective layer on the day of tipping in the specified area, but retaining a 150mm protective layer during the tipping
- Limiting the size of the tipping to as small as practical
- Covering the stripped layer with a fresh protective layer as soon as possible within the working day

9.21 Ultimately, the information provided by the applicant with respect to odour



demonstrates to the satisfaction of officers, subject to a condition being imposed, that odour resulting from the stripping operations is unlikely to give rise to degradation in conditions already experienced.

Pre- and Post-Settlement Landform

9.22 The pre- and post-settlement contours of the landfill are the key subject of the application. As stated previously in this report, the application seeks revisions to the current planning permission which would involve the importation of additional volumes of waste over the current landform due to changes in waste management practices and increased rates of settlement. Therefore, the approved pre-settlement contours for the site can no longer meet the required post-settlement profile and, as such, need to be increased. Additionally, the proposal seeks to slightly increase the final post-settlement profile to support various visitor facilities.

9.23 The proposed revised pre-settlement profile would be significantly higher in parts with the highest point being, approximately 12m higher than that currently approved. This is the primary area where visual impact could be discernable over the approved contours. The Environmental Statement included a Landscape and Visual Assessment, which took into consideration the proposals to restore the landfill in phases, focusing on the deliverability of the outer areas first and central areas last. The early completion of the outer areas aims to soften the visual impact from the immediate surrounding areas and ensure the success of delivering earlier restoration proposals.

9.24 It has also been proposed that the final indicative restoration plan would involve landscaping in key areas to soften the appearance of the landform and neighbouring industrial uses, such as the Freightmaster estate, from public vantage points on the site.

9.25 The profile of the post-settlement landform remains generally the same except for slight amendments which have been made to accommodate various visitor facilities and gentler slopes. The maximum proposed increase in post-settlement levels at any location on the site is within the mid-slopes of the southwest-facing valley where the increase is approximately 7.5m AOD from the current permission, whilst a reduction in heights of approximately 5m is proposed in the mid slopes to the north. The maximum increase in pre-settlement heights from the current permission required to achieve the planned profile would be approximately 12m on the west peak, 8.4m to the east peak and 3.5m to the saddle. For ease of reference, a summary of the approved and proposed heights are below:

Landform	Pre-settlement Contours (metres AOD)		Post-settlement Contours (metres AOD)	
	Approved	Proposed	Approved	Proposed
East Peak	36	42.4	31	31
West Peak	41.2	53	37	37
Saddle	34	37.5	27	27

9.26 The advantage of the proposed pre-settlement contours is that they would allow the landform to settle in a controlled manner. This will ultimately create adequate slopes for the reduction in leachate through controlled surface water run-off, reduce the potential for damage to the gas extraction pipework and reduce the potential

need for post restoration repairs that would ultimately create a manageable, useable, high quality, public open space and nature conservation area.

- 9.27 The land raising would be completed on a phased basis that would see the completion of the more visually prominent areas first along the northern fringe that will both create a visually softer landform to the adjacent marshes and to enable parts of the site for early public access and associated public facilities such as pathways, lookout points and car parking. As the site is restored, this would be the subject of a final restoration plan to detail landscaping, visitor facilities and ecological habitats to ultimately form part of the larger project, Wildspace.
- 9.28 Members should also note the context of the revised contours with reference to the overall scale of the landfill. Although the maximum increase in height at a single points is 12 metres, the actual discernable change in height when viewed from common public vantage points is likely to be small. This is due to the sheer size of the existing land form coupled with the distance from which the public would generally view the site. Ultimately, whilst the increase in pre-settlement contours when considered in isolation may appear to be large, in actual fact they are considered by Officers to be relatively insignificant in visual terms and more importantly are a short term situation.
- 9.29 It should also be acknowledged that due to the complicated nature of settlement rates, the pre-settlement contours are only representative of maximum overall heights that would be achieved if settlement did not occur. In practice, due to the phased, layered disposal of waste on the site, waste will tend to settle before the actual pre-settled contour is achieved. This occurs via a number of means through mechanical and bio-chemical processes. The deposited waste generally compacts and shifts towards nearby voids while the biodegradable components of the landfill waste break down over a period of time and form landfill gas and leachate. The landfill gas is extracted as part of the process and converted to energy. The leachate is extracted and treated before being disposed of. Therefore, the total tonnage of waste steadily reduces and the restoration surface settles concurrently. The rate of settlement is comparatively rapid in the early years and the rate gradually decreases with time.
- 9.30 The applicant has included a slope stability assessment to ensure that the slopes created would be safe and stable at all times. This settlement model and slope stability assessment is expected to be updated often to ensure the rate of settlement achieves the post-settlement contours. The Environment Agency has indicated that they are satisfied with this stability assessment and officers therefore have no reason to assume that this model does not provide an accurate representation of the settlement rates. It is recommended that conditions be imposed to ensure this is re-visited often to ensure its accuracy. A further condition will be imposed to ensure that the applicant provides a contingency plan that would safeguard the site to ensure it is not over tipped.

### Nature Conservation

- 9.31 The application is located immediately adjacent to land protected for biodiversity conservation. The Rainham, Wennington and Aveley Marshes are designated as areas of SSSI and a Site of Importance to Nature Conservation (SINC) in the Havering local development framework and lie immediately to the north and east of the site. The site's southern boundary is adjacent to the River Thames frontage which is part of the River Thames and tidal tributaries Metropolitan SINC.

- 9.32 The long term use of the landfill site is for nature conservation and public recreation, which is to be managed by Havering Council and other stakeholders and combined with the existing surrounding marshes would be incorporated into the London Riverside Conservation Park or Wildspace. Therefore, when considering the potential impacts upon the ecology and biodiversity of the site and surrounding area, the long term gains must be weighed against the short term impacts.
- 9.33 The Environmental Statement in support of this application identifies three main areas of potential short term impact, being the visual and noise disturbance to birds caused by lighting and vehicle movement, the disturbance and predation of wildlife including ground nesting bird by gulls, urban scavenger birds and foxes attracted to the site and waterborne pollution from leachates entering the SSSI ditch network.
- 9.34 In terms of the potential visual and noise disturbance, no significant impact is expected to birds within the surrounding habitats as the frequency and intensity of vehicle movements will remain the same. Therefore, birds in the area will be largely accustomed to site operations. It is possible that there may be some disturbance during the restoration and landscaping phases of the development, as well as the construction of visitor facilities leading to increased visitor numbers.
- 9.35 Predation levels are not expected to increase, as the site will be restored within the previously approved time period and will ultimately cease waste operations. However, the attraction of predatory birds and foxes may continue until the final restoration is achieved.
- 9.36 Water pollution of the adjacent statutory sites is unlikely to occur simply due to the re-contouring profiles. If the site were to be left to settle under the existing land profile, there would be a greater risk of water pollution.
- 9.37 Overall, officers are satisfied that the long term biodiversity gains would outweigh the short term impacts arising from the importation of additional volumes of waste to the site and that, subject to various conditions imposed to secure mitigation and adequate restoration of habitats, there would be minimal adverse long term ecological impacts as a result of these proposals.

#### Wildspace Proposals

- 9.38 The proposed revisions to the pre- and post-settlement contours would allow the site to be adequately restored and included within Wildspace. The phased regeneration approach is proposed to allow the site to be available for public use at an earlier opportunity than in the extant permission. In addition to achieving a manageable site, the restored landfill is to be opened in stages for public use. These stages can be divided into two core themes and would include:
- Public access including:
    - Provision and maintenance of footpaths and cycle paths over the landform including two new viewpoints;
    - Maintenance of the existing Rainham to Purfleet path;
    - Access to and provision of serviced sites for a new car park, recreational facilities and visitor centre;
    - Increased access to the Thames and to existing walking and cycle routes;

- Creation of new habitat and active management of these that would achieve a large amount of London's targets for biodiversity for flora and fauna.

9.39 In addition to these deliverables, the applicant has also examined various alternate public facility possibilities that may be achievable and compatible with the restored landfill, the Thames and the areas of SSSI. These included such themes as an adventure playground, water sports facilities and general open space. Although not forming part of this application, Veolia has formed a concept masterplan which identifies various areas of land that would be made available for any such similar facilities. These facilities would be subject to further design and subsequent planning consent and would be discussed in detail with various stakeholders.

9.40 The applicant has also presented the alternative to the proposed revisions as a "do nothing" scenario which would involve filling as per the existing consent with road borne movements ceasing in 2012. This scenario was included within the application and it was the modelling of the landfill under the current permission which prompted these revisions. The applicant states that filling to the current permission would result in a much lower landform which would settle at uneven rates reducing adequate surface runoff leading to high levels of site contamination, ponding of surface water would breach the cap creating more leachate and increased engineering issues within the landfill. The applicant states that this would potentially lead to an unsafe landform not suitable for public access or nature conservation and would require further longer term remediation techniques involving stripping of the restoration layer and surcharging areas which may have depressed, consistently disturbing the longer term goal of a regional open space objective and creating further environmental issues, such as leachate control, methane production, water management issues and site management issues.

## **10. CONCLUSION**

10.1 The application has demonstrated to the satisfaction of officers that the increase of 3.6 million tonnes of non-hazardous waste, the pre- and post-settlement re-contouring proposals and the continuation of waste importation by road until the 31<sup>st</sup> of December 2018 is acceptable in both policy and environmental terms.

10.2 The application has examined the policy principle of the proposal and through a detailed Environmental Statement has demonstrated that the environmental impact of the development is acceptable. These conclusions have been reached through much discussion with officer of the Corporation, the London Borough of Havering and the Environment Agency. While the GLA have expressed some concern relating to the potential for water based importation methods and the indicative landscape and visitor facilities, your officers' view is that the applicant has adequately responded to these concerns through additional information and the information supporting the application. The objections submitted by the local residents and Councillor as well as by Bexley Ward Members and the MP are not of such significance as to justify refusal.

10.3 This report has been sent to the Government Office for London for their review on whether to call-in the application for Secretary of State determination. Members will be updated on any further information in this respect on the night of Committee.

10.4 Ultimately, the change in the nature of the waste being imported to landfill has

led to this application. The 'do nothing' scenario that would play out should the application not be approved would be of great harm to the future Wildspace proposals. The alternative is a short term increase in pre-settlement contours that would lead to the early delivery of visitor facilities. On balance, the benefits of the proposal far outweigh any potential harm that could be arise as well as exceeding the benefits of the extant permission. The application is recommended to be approved, subject to the following conditions and the satisfactory completion of a Section 106 legal agreement.

## **11. RECOMMENDATION**

11.1. Members are recommended to agree to delegate authority to the Director of Planning to grant full planning permission subject to the conditions below, together with any amendments or additions that he considers necessary, subject to:

- 1) The completion of a Section 106 legal agreement between the Corporation, the Borough and the applicant covering the Heads of Terms set out in section 1.5 of this report,
- 2) Referral to the Mayor of London for his Stage 2 determination and any direction

## **12. CONDITIONS AND REASONS**

1. This permission shall be on the date of this permission and shall supersede planning permission P1275.96 in all respects.

Reason: For the avoidance of doubt and to ensure that the development hereby permitted replaces all earlier permissions.

2. The development hereby permitted shall be carried out in accordance with the details and drawings contained within the submitted Environmental Statement dated December 2008, including the revised information received 17 August 2009.

Reason: To ensure that the scheme is completed in accordance with the approved documents and plans.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 4, the development hereby approved shall be completed to the point where the final phase has been topsoiled and made ready for planting by 31<sup>st</sup> December 2018, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is completed within the timescales proposed in the application.

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4. No operations for the erection, installation, extension, re-arrangement, replacement, repair or other structures shall be undertaken other than those proposed by this permission, unless otherwise approved by the Local Planning Authority by way of a separate planning application.

Reason: To ensure the further waste related development remains under the control of the Local Planning Authority, in the interests of nearby sensitive receptors included the natural environment and residential locations

5. No on-site operations other than essential maintenance shall be permitted on Sundays or Public Holidays.

Reason: In the interests of highway safety, in particular potential conflict with recreational users of the existing and proposed visitor attractions.

6. The final layer of cover over the capping layer placed over the deposited waste materials shall comprise at least 1.0m of topsoil, or 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 material shall be left free from all materials likely to interfere with the final restoration, in compliance with the restoration and landscaping scheme.

Reason: In order to provide an adequate layer of capping for the future recreational and nature conservation use of the site.

7. The final soil layer shall be graded in accordance with the stability assessment and the approved post settlement contours, as shown on figures 1.3b and 1.4b, and to provide an even surface to enable the land to be planted in accordance with an agreed landscape plan.

Reason: To ensure that a high quality post-restoration planting scheme can be achieved.

8. Within six months of the date of this permission, a scheme of dust mitigation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the transmission of dust and particulates from the development in the interests of air quality and residential amenity.

9. The spreading of soils shall only take place when they are in a suitable dry and friable condition and carried out in such a way and with such equipment to ensure minimum compaction.

Reason: to ensure soil integrity for adequate site restoration.

10. No heaping of soil or other materials shall remain on site following the completion of the restoration works.

Reason: To ensure that the result restoration scheme is left in an orderly and tidy manner in the interests of delivering a high quality public space.

11. In the event that any areas of uneven settlement occur during the post-restoration

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period, these shall be made good with suitable imported soils to the satisfaction of the Local Planning Authority.

Reason: In order to provide a high quality, even and stable landform.

12. No excavated restoration materials or other restoration materials stored or reclaimed on site shall be sold or otherwise taken from the site.

Reason: To ensure that the landfill cap is adequately maintained for the perpetuity of the permission and that the future use of the site shall remain for open space and nature conservation purposes only.

13. Waste material deposited on this site for the purposes of filling the permitted void space shall be solid, non-hazardous inert material only.

Reason: For the purposes of environmental control and safety, particular with regard to the protection of ground water.

14. Soils for regeneration shall not be stored in mounds of a height exceeding 4 metres above the ground level in which it is piled.

Reason: In the interests of visual amenity and safety.

15. No waste materials shall be deposited on the site under the permission, except where delivered by river, until a vehicle wheel cleaner has been installed close to the site entrance. The cleaner shall be used by all vehicles leaving the site.

Reason: To prevent mud and dust being transferred onto the public highway

16. All storage mounds intended to remain in place for more than 6 months shall be grassed over and weed controlled and other necessary maintenance carried out in accordance with a scheme agreed in writing by the Local Planning Authority.

Reason: In the interested of visual amenity and dust control.

17. Soils shall only be placed in accordance with a scheme of soil placement which shall be submitted for the written approval of the Local Planning Authority prior to the commencement of soil movement, and shall be implemented in accordance with the approved scheme.

Reason: To ensure the managed placement of soils on site.

18. No leachate storage lagoons or settlement pond will situation on previously landfilled areas without the prior written agreement of the Local Planning Authority.

Reason: In the interests of controlling potential pollution pathway from the site into the natural environment.

19. Within six months of the date of this permission, a noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To assess and minimise noise generated by the site which may impact upon nearby sensitive receptors.

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20. Within 6 months of the date of this permission, a scheme detailing the control vermin shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate vermin attracted to the site which may detrimentally affect the nearby areas of natural conservation.

21. An 8 metre vegetated buffer zone shall be provided alongside the Rainham Main Sewer, details of which shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendment shall be agreed in writing with the Local Planning Authority. The scheme shall include:

Reason: In the interests of protecting habitat and wildlife alongside the watercourse.

22. There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, artificial lighting shall be directional and focused with cowlings.

Reason: In order to protect the wildlife and habitat of the river corridor.

23. Within 6 months of the date of this permission, a scheme updating the 'Water Resources' chapter of the Environmental Statement hereby approved by this permission shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate a satisfactory management of surface water run-off as well as including details of the improvement, protection and maintenance of the existing flood defences. The scheme shall be further updated should any future changes come about due to the implementation of the 'Landscape and Restoration Plan' secured by the Section 106 legal agreement.

Reason: To prevent flooding by ensuring the satisfactory storage/disposal of surface from the site and to ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding.

24. The pre-settlement contours depicted in Figure 9 'Proposed Site Contours for Stability' of the 'Rainham Landfill Stability Assessment Report' submitted in support of the application shall not be exceeded.

Reason: To ensure the stability of the proposed landform in the interests of the protection of the water environment.

25. Within 6 months of this permission, the applicant shall submit for written approval by the Local Planning Authority a Phasing Plan that will detail the individual phases of the landfill including likely timeframes and restoration. The scheme will detail the direction of landfill taking into account the revised site entrance and public accessibility.

Reason: In the interest of visual amenity and to ensure the early delivery of the site for public access.

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- Appendix 1:** Site Location Plan
- Appendix 2:** Permitted and Proposed Pre and Post Settlement Contours
- Appendix 3:** Cross Sections
- Appendix 4:** Phasing Sequence
- Appendix 5:** Perspective Views
- Appendix 6:** Indicative Restoration Concept