



PLACES OVERVIEW AND SCRUTINY COMMITTEE

Subject Heading:

Launders Lane (Arnolds Field)

SLT Lead:

Sandy Hamberger

Report Author and contact details:

Lilly Spillman - 01708 431942
lilly.spillman@havering.gov.uk

Policy context:

This relates to Borough's Places Theme and the council vision.

SUMMARY

This high level report capturing the Corporate Emergency Planning involvement with the long standing Launders Lane site issues, was requested to enable Place Scrutiny Members to decide if they wished to undertake more in depth scrutiny of the issues and seek other partners' perspectives and responsibilities.

This summary will help members understanding, and seek assurance that the council has undertaken its responsibilities, through the avenues available to it, namely enforcement and legal ones, to help resolve the impact on residents.

The following gives a brief history of the impacts from 2000-todate, from a Corporate Emergency Planning lens, highlighting known incidents, together with an overview of the upcoming work underway, related to reducing the disruption that Launders Lane creates for the residents of Rainham and South Hornchurch announced by the Leader in response to the historic issues. This summary provides;

- A background on the site named Arnolds Field (commonly known as Launders Lanes) however, this history is patchy, with dormant periods.
- The Emergency Response to the large fire in July 2019 including the cost implications
- The London Fire Brigades position on responding to fires at Launders Lane
- The Forthcoming Launders Lane Actions from the August and early September meetings held to listen to residents' concerns and identify appropriate actions
- Advice to Members that options may be limited and potentially expensive given the complicated history issues, ownership and enforcement limitations associated with this site.

RECOMMENDATIONS

Members are asked to discuss the summary below, with a view to deciding if they wish to undertake further scrutiny work.

Members would need to be clear of the scope of any further work and the outcomes they wish to achieve, and the information they require to progress this and the sources that could provide that.

REPORT DETAIL

Background of Launderers Lane:

The site of Arnolds Field, otherwise known as Launderers Lane, was originally a mineral extraction site. From planning records, in 2000, planning permission was granted by the Council to the site's previous owner to restore the land by importation of material and use as a community woodland.

In 2004 planning enforcement notices and a Stop Notice were served by the Council as excessive amounts of material had been brought onto the site at Arnolds Field. This enforcement notice was served to North London Developments Limited (48 Langham Street, London). It was believed that in certain places the material was in excess of 5m above the approved levels. The applicant appealed against that decision to the Planning Inspectorate and the appeal was dismissed in 2005.

The company which owned the site at that time, went into liquidation circa 2005-2006, consequently, there was nobody for the Council to prosecute against for non-compliance with the Enforcement Notice.

Between 2009 and 2011 there was some earth movement but no significant dumping of waste.

In 2012 the new owner of the land (at that time) was imprisoned for cultivating drugs on the site and being in possession of firearms, which was reported in the local press.

Between 2012-2016, significant quantities of waste was brought onto the site and either buried under, or deposited on top of the site. The Environment Agency led a criminal investigation at the time because their powers were the considered the most effective to achieve a prosecution.

The Environment Agency successfully prosecuted those responsible in 2017-2018. The defendants pleaded guilty and received custodial sentences, with one set suspended. The defendants were further subject to orders from the Proceeds of

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Crime Act (POCA) and two were given additional custodial sentences as they could not meet the monetary orders against them.

The land is now currently owned by a different person/company to those who were prosecuted in 2017-2018.

Corporate Emergency Planning Response July 2019:

In July 2019, Havering Council were made aware of an incident at Launderers Lane that required a Local Authority Liaison Officer to attend. The fire at Launderers Lane required the support of some additional heavy plant to tackle the ongoing fire. At the time of the incident, London Fire Brigade (LFB) estimated that the fire could last in excess of 4 weeks if not tackled with an alternative approach. Whilst the details of the land owner were shared with LFB, they were unable to make contact with the owner.

A specialist contractor was used to provide bespoke support to LFB over the course of 4 days. The cost implication of the incident totalled £13,740.00 (inclusive of VAT). This cost was split 50/50 for the first 3 days between the London Borough of Havering and the Environment Agency. The fourth day was charged to just the Environment Agency.

The Pandemic brought a dormant period.

Launderers Lane Meetings August 2022 – “To proactively explore options for resolving this historic and on-going Issue”:

It is acknowledged that this has been a known complex issue that has blighted the lives of local residents for many years. At the July Council Meeting this was passionately raised, and the new Leader committed to undertaking meetings with residents and other parties to explore and identify any additional options that may be undertaken to mitigate the impact on residents. Subsequently meetings have been held with responsible partners and residents in August and the latest one on 6th September.

Launderers Lane is private land, and over the years, although the Council and the Environment Agency have taken action which against the previous owner, partly due to the change in landowners it has been difficult to achieve a satisfactory outcome.

Agencies are currently working together with the London Fire Brigade, the Environment Agency, Jon Cruddas MP and local councillors to explore options to resolve and improve the situation. Enforcement action is undertaken when offences have been committed, but does not offer a full resolution.

The Council's public health team have commissioned an independent company to monitor air quality arising from the site. Imperial College London have been appointed to undertake this work and this work, will take place imminently. This will monitor current and future air quality levels, and provide an analysis of historic

impacts. This approach is anticipated to provide evidence of any impact of the site from air quality that poses a risk to public health.

The Council are looking at repositioning of a fire hydrant, so it is easier for the LFB to manage the fires, although, currently, they are not causing physical danger to local people.

The Environment Agency have confirmed they do not have any legal powers to enforce against the current landowners.

The council believes it has, and is doing all it can to help residents with this issue, because it is private land, it is complicated and it is not easy to resolve. Havering's legal team are in the process of reviewing the legal powers open to the Council again.

Given the complexity of the issues, a number of agencies are working together and are committed to resolving this problem. This will not be a quick fix, evidence of impact must be gathered, along with costed options, and legal powers required alongside these have to be identified and considered. Residents will be kept informed as this work progresses.

IMPLICATIONS AND RISKS

Financial implications and risks: There are no current financial risks known to the Local Authority. However, there is the risk that London Fire Brigade alongside multi-agency partners such as the Environment Agency may request a financial contribution to the response phase of a similar incident to the July 2019 fire. The cost of this previous incident for Havering was £4,725.00 + VAT. More recent fires have been dealt with by LFB within their existing resources and therefore we have not had any incidents since July 2019 that have financially impacted Havering council.

The long term financial implications from this site could include possible remuneration costs and options that would need to be considered by the organisation to aid in the possible reduction of impacts. This is not confirmed but it is a suggested options for consideration.

Legal implications and risks: The Local Authority could be subject to legal challenge from the residents of the immediate area and the site owners.

Human Resources implications and risks: There are no known HR implications or risks, except the ongoing support required from the Emergency Planning team and subsequent Local Authority Liaison Officers.

Equalities implications and risks: The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Health determinants are particularly relevant to Lauanders Lane, this will be informed by the air quality impact commissioned and its findings.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The ongoing fires at Lauanders Lane has implications on the air quality in the area of Rainham and South Hornchurch. As the landfill site includes a variety of waste, the risks associated with regular burning material is essential to be considered.

With increasingly hot summers and the likelihood and impacts of "grass fires" increasing, Lauanders Lane is at greater risk of further and more regular fires.

BACKGROUND PAPERS

There are no background papers regarding this report at this time.