

Notice of Non-key Executive Decision

Subject Heading:	Rainham Landfill - 2016 Section 106 Agreement and associated Lease Options
Decision Maker:	Paul Walker - Director of Housing Property Development Service
Cabinet Member:	Councillor Graham Williamson, Cabinet Member for Development and Regeneration
SLT Lead:	Neil Stubbings, Strategic Director of Place
Report Author and contact details:	Clare Brennan Clare.Brennan@Havering.gov.uk 01708434693
Policy context:	Havering Inclusive Growth Strategy 2020-2045 Havering Local Plan 2016-31 London Riverside Opportunity Area Planning Framework
Financial summary:	There are no financial implications. This report seeks authority to express an interest in taking up the lease options within the S106. No commitment is made and there is no obligation to pursue any of the lease options.
Relevant Overview & Scrutiny Sub Committee:	N/A

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Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision
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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents X

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Authority to express an interest in the lease options contained within the Rainham Landfill S106 Agreement.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.3 [Responsibility for Functions] of the Council's Constitution:

3.3 Powers of Members of the Senior Leadership Team

General powers

(b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

3.4 Powers of Second Tier Managers

Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

1. The Section 106 Agreement (S106) completed as part of the planning permission granted to Veolia for the continued waste operations at Rainham Landfill (planning Ref P1566.12) contains several lease options in respect of the areas on the landfill which have been/due to be restored. These areas of land are identified on the plan in Appendix A and marked A, C & D.
2. At the time that this Section 106 Agreement was made, it was envisaged that the areas of land on which the Council has lease options would be developed as a Visitor Centre (location A), Water Sports Facility (B) and Visitor Attraction (C) as part of Rainham Wildspace Masterplan.
3. The Wildspace Business Plan Study dated Nov 2010 (Appendix C) sets out the background to the development of the Rainham Wildspace Masterplan. The aims of the Masterplan were to develop the area previously used by Veolia as

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landfill as public amenity space. The land forms a key part of Local Plan Policy 29 – Green Infrastructure.

4. The Wildspace Business Plan Study focused largely on the site as a visitor destination, including access to the site, facilities and the potential economic viability of developments proposed on the site.
5. The conservation vision and strategy, including environmental management of the site and plans for flood risk management were addressed in less detail and the report recommended that a complementary strategic plan was developed along with a full environmental assessment of the implications of the report.
6. It was anticipated that Rainham Wildspace would provide local, accessible and quality open space for new and existing communities in London Riverside and, ultimately, a regional visitor destination. The Council started working in partnership with several key organisations including Veolia and RSPB to deliver Rainham Wildspace in 2002.
7. In 2005, the Wildspace Partnership produced a document called ‘London Riverside Conservation Park: Wildspace for a World City’. It set out a vision and objectives for the Park as a whole, emphasising: “the unique natural and historic heritage of the site, its extraordinary scale, the unrivalled potential to deliver environmental benefits for the whole of the Thames Gateway, the opportunities to become a hub for an extended green space network, and the potential to enhance the quality of life of those who live and work in the region.”
8. The envisaged development of Rainham Wildspace was originally funded from money in Veolia Land Trust. In 2018 the regulations relating to the land trust changed and it was no longer possible to maintain the £5M that had been identified for maintenance of the land for this purpose. The Council therefore applied for funds from the land trust to implement other projects and this was agreed by Cabinet on 25th July 2018. (Appendix D)
9. There is no current funding identified to implement the aims set out in the Wildspace Masterplan. The landfill operations are required by planning condition to cease by 31st December 2024, and remediation work to be complete by 31st December 2026 with an aftercare period to 31st December 2031.
10. A final decision will need to be taken about whether the Council wishes to take up the lease options available, including a pie crust lease of the area of land within the red line boundary of the site (Appendix B) before 31.12.31.
11. In order to retain the lease options on areas A, C and D between now and 2031 the Council must express an interest in these lease options before 30.12.23. This paper therefore seeks authority to express an interest and maintain these 3 lease options.
12. The Council is not obliged to take up the lease options in which it has expressed an interest. It is therefore recommended that these options are

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retained and that work continues to try and identify sources of funding that would enable the area within the Wildspace Masterplan to be actively developed as public amenity space.

OTHER OPTIONS CONSIDERED AND REJECTED

- 1) Do not express an interest in the lease options. This would mean that the Council would no longer have the option of taking up these lease options at a future date. The land remediation work carried out by Veolia would not be completed in a way that would facilitate the potential future use of the areas of land for the purposes envisaged in the Wildspace Masterplan. This option was therefore rejected.

PRE-DECISION CONSULTATION

There has been no formal consultation with stakeholders or the public regarding this decision.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Clare Brennan

Designation: Regeneration Manager

Signature: 

Date: 24/12/23

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Under the s106 Agreement dated 12 July 2016 and made between the Council, Veolia ES Cleanaway (UK) Limited, Port of London Authority, Oldrealm Limited and National Westminster Bank Plc (“Agreement”) the Council has an option to secure future leases over parts of the Rainham Landfill Site, detailed in Schedule 4, Clause 1.3 of the Agreement (“Option”).

The Agreement provides that the Council must express an interest (to the land owners) in taking a lease over the site (or parts of) before 30 December 2023. This action will ensure that a future Option is kept open. There is no obligation to complete a lease under the Option, but if a lease were to be taken it must be completed by the end of the Aftercare Period (as defined in the Agreement) which is likely to be the end of 2031.

This recommendation seeks authority to express an interest in taking a lease but will not obligate the Council to do so.

FINANCIAL IMPLICATIONS AND RISKS

There are no financial implications for the Council if the Council expresses an interest in the 3 lease options at A, C, and D.

It is possible that the lease options could provide opportunities for the Council in the future if direct funding, or a suitable business model was identified for the sites.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no HR implications or risks associated with these proposed lease options.

EQUALITIES AND SOCIAL INCLUSION 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.

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

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

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no direct Environmental or Climate Change implications or risks. However, the active development of the Wildspace Masterplan in Rainham could have significant Environmental and Climate Change benefits.

BACKGROUND PAPERS

Cabinet Report 10th May 2017 – To seek authority to submit funding applications to Veolia Havering Riverside Maintenance trust

Cabinet Report 25th July 2018 - To seek authority to submit funding applications to Veolia Havering Riverside Maintenance Trust.

Wildspace Business Plan Nov 2010

Wildspace for a World City

APPENDICES

<i>Appendix A</i>	<i>Plan identifying areas of land within the lease options</i>	<i>Open</i>
<i>Appendix B</i>	<i>Red Line Boundary Plan</i>	<i>Open</i>
<i>Appendix C</i>	<i>Wildspace Business Plan Nov 2010</i>	<i>Open</i>
<i>Appendix D</i>	<i>Cabinet Report 25th July 2018</i>	<i>Open</i>
<i>Appendix E</i>	<i>Wildspace for a World City</i>	<i>Open</i>

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

~~Proposal NOT agreed because~~

Details of decision maker

Signed 

Name: Paul Walker
Interim Director – Housing & Property Place Directorate

Cabinet Portfolio held:
CMT Member title:
Head of Service title
Other manager title:

Date: 22.12.23

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____