



Havering
LONDON BOROUGH

**Strategic Planning
Committee
25 January 2024**

Application Reference:	P1358.22
Location:	Rainham Marshes Silt Lagoons, Coldharbour Lane
Ward	RAINHAM AND WENNINGTON
Description:	<p>Application to allow the following operations at the site in addition to those currently approved under planning permission reference P2076.17 (Revised restoration plan) and planning permission reference P0189.16 (Highways improvement):</p> <ol style="list-style-type: none">1. The excavation of waste previously deposited in the lagoons at the site and the treatment of the excavated waste by washing, screening and crushing to produce recycled aggregate with the residues deposited at the site and the recycled aggregate sold off site;2. The treatment of waste imported to the site by washing, screening and crushing to produce recycled aggregate with the residues deposited at the site and the recycled aggregate sold off site; and3. The stockpiling of suitable chalk and clay rich waste materials and the export of the chalk and clay rich materials from the site for use in agricultural improvements and/or engineering.
Case Officer:	RAPHAEL ADENEGAN
Reason for Report to Committee:	<ul style="list-style-type: none">• The application is within the categories which must be referred to the Mayor of London under the Town and Country Planning (Mayor of London) Order.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The Silt Lagoons at the Rainham and Wennington Marshes site (the site) comprises a series of partially filled lagoons located in the Borough. The site has planning permission to be restored to an ecologically beneficial after use comprising seasonal and permanent wetlands to tie in to the surrounding habitats. This will be achieved through the deposition of non-hazardous dredging materials and other permitted non-hazardous waste into lagoons on the site to create a variety of habitats including those suitable for protected species.
- 1.2 This planning application proposes the use of an area of the wider site as an aggregate crushing/washing plant including excavation of deposited materials, treatment of imported waste and stockpiling of chalk and clay rich waste material.
- 1.3 Officers consider that the proposal would protect the natural and built environment in accordance with the principles of sustainable development and meet an identified waste management need that contributes to the Circular economy, consistent with pushing waste up the waste hierarchy. The proposal is sustainable in terms of transportation and would not have undue impact on the visual character of the area.
- 1.4 The recommended conditions and Heads of Terms would secure future policy compliance by the applicant on the site and ensure any unacceptable development impacts are mitigated.
- 1.5 Officers consider the proposal to be acceptable, **(the Mayor has advised he does not need to be consulted further on this application)** the prior completion of a Section 106 legal agreement pursuant to the Town and Country Planning Act 1990 (as amended) and all other enabling powers and the planning conditions listed below.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to:
 1. Agreement of the reasons for approval as set out in this report, and
 2. Delegation of authority to the Director of Planning in consultation with the Director of Legal Services to issue the planning permission subject to minor amendments to the conditions following completion of the legal agreement. The Heads of Terms for the Section 106 Agreement will cover the following matters
:
Highways
 - Active transport contribution towards funding for improvements to cycle infrastructure serving the site to support cycling to and from work by staff and visitors. Final figure to be agreed between TfL, Highways Authority and the LPA and to be presented at the meeting;

- Submission of Travel Plans including measures to reduce single-occupant car trips and support cycling, in particular procedures to pay relevant taxi fares for cyclists in the event of mechanical failure or personal emergency;
- A travel plan bond of £5,000 will be required to be used by the Council to remedy any failure to comply with the terms of the approved travel plan;
- Payment of a Travel Plan Monitoring Fee of £5,000 for the purposes of monitoring the operation and effectiveness of the travel plan.

Landscape and Ecology Management Plan

Submission of long-term (at least 30 years) Landscape and Ecology Management Plan. The Landscape and Ecology Management Plan should set out habitat creation and short to long term management and monitoring of the site. As well as demonstrating that the SSSI features will be repaired, it should ensure that protected and Priority species have been taken into account, as well as management of public access and updating of the restoration plan demonstrate how this will be achieved.

Legal Costs, Administration and Monitoring

A financial contribution (to be agreed) to be paid by the developer to the Council to reimburse the Council's legal costs associated with the preparation of the planning obligation and a further financial obligation (to be agreed) to be paid to reimburse the Council's administrative costs associated with monitoring compliance with the obligation terms.

- 2.2 That the Director of Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 26th April 2024 the Director of Planning is delegated authority to refuse planning permission or extend the timeframe to complete the legal agreement and grant approval.
- 2.3 That the Director of Planning has delegated authority to issue the planning permission subject to the completion of the legal agreement and conditions [and informatives] to secure the following matters:

Conditions

1. Time Limit (phase 1 - application for detailed planning permission);
2. Accordance with plans;
3. Surface water drainage/flood plain (Pre Commencement);
4. Aggregate and chalk stockpile Bays and height restriction;
5. Flood Evacuation Strategy;
6. Accordance with Flood Risk Assessment;
7. Restoration plan;
8. Temporary Permission (limited to duration of restoration):
This permission shall be only for a limited period expiring once sufficient material to facilitate the restoration of the Silt Lagoons has been imported and a formal completion of the restoration project secured under P2076.17, unless agreed otherwise with the Local Planning Authority. If restoration works cease for a period of 12 months or more, the plant and ancillary equipment and recycled aggregates, stockpiled chalk and clays (the development hereby

permitted) shall be removed and the site reinstated in accordance with the restoration scheme for the area, to the satisfaction of the Local Planning Authority.

Reason:

To ensure that the development is removed following completion of the restoration works to create the London Riverside Conservation Park.

9. Contaminated Land Condition;
10. Restriction on Peak Hour HGV Movements;
11. Provision of Facilities on Site for covered cycle parking;
12. Provision of a Travel Plan;
13. Management Plan to Control Giant Hogweed;
14. Ecological Mitigation and Management Plan;
15. Construction Environmental Management Plan Ecology;
16. Landscape and Ecology Management Plan;
17. Wildlife Friendly Lighting Strategy;
18. Dust and Emissions Management Plan (Dust Mitigation Measures);
19. Accord with the recommendations of the Noise Report;
20. Hours of Operation (processing plant):
 - a) No materials processing operations authorised by this permission shall be carried out on the application site except between the following times:-
 - 0630 to 1900 hours Mondays to Fridays.
 - 0630 to 1700 hours Saturdays, with no working on Sundays or Public holidays.
 - b) This condition shall not apply to the delivery of materials to the application site under planning permission reference P2076.17, dated 04-09-18.
 - c) This condition shall not apply in cases of emergency when people on site or property is at risk or for water pumping activities.

Reason: - To minimise the impact of the development on the surrounding area in the interests of amenity.

21. Southern Boundary Screening;
22. Noise Condition when measured from the boundary at noise sensitive receptors;
23. Any vehicle entering or leaving the site at any time which is carrying any material for recycling shall have its load fully covered.

Reason:- To prevent waste materials falling from Vehicles.

Informatives

Wildlife and Countryside Act 1981

3 SITE AND SURROUNDINGS

- 3.1 Rainham Silt Lagoons are located to the south of the A13 and north of Coldharbour Lane and cover an area just under 121 hectares. The site is accessed off Coldharbour Lane and sits opposite Rainham Landfill. The land immediately to the west forms part of Rainham Marshes and is used for public recreation and animal grazing. Beyond that to the south and west are a series of industrial and commercial operations lying

within the London Riverside Business Improvement District. To the east of the site is Wennington Marsh, which is managed by the RSPB.

- 3.2 The application site is located within the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and is also part of a site of Metropolitan Importance for Nature Conservation. The northern part of the site also falls within an area safeguarded for the Channel Tunnel Rail link. There are a number of other Sites of Importance for Nature Conservation within a 2km radius of the site. The nearest residential properties to the site are approximately 230m, to the north on the opposite side of the A13 and Channel Tunnel rail track, from the wider site and 1km from the area relevant to these proposals.
- 3.3 The application site boundary is located south-east of the wider (119 hectares, the subject of planning permission ref. P2076.17) Silt Lagoons site and occupies approximately 8.85ha. The area is currently used for storage of materials and plant and parking for vehicles. Access to the proposed processing facility is from the existing site entrance on Coldharbour Lane.
- 3.4 The River Thames is located approx. 600m to the south west of the site at its closest point and within Havering's Air Quality Management Area (AQMA).
- 3.5 The site comprises a series of lagoons which are used to deposit and settling of non-hazardous dredgings, excavated materials from the River Thames and River Medway and materials imported from other sources.
- 3.6 The vast majority of the site is made up of silt lagoons, for which the Port of London Authority has a 50 year license (until 2050) from the RSPB.
- 3.7 The PTAL for the site is 0 (Worst) and within Flood Zones 2 and 3.
- 3.8 In terms of designations, the site forms part of the following:
 - Retained Site Specific Allocation 17 London Riverside Conservation Park;
 - Site of Special Scientific Interest (biodiversity);
 - Metropolitan Site of Importance to Nature Conservation;
 - Rainham Marshes Local Nature Reserve
 - London Riverside Opportunity Area;
 - Landfill Site;
 - Flood Zones include 2 and 3 for the site.

4 PROPOSAL

- 4.1 Planning permission L/HAV/2819/79 was granted in May 1980 for the construction of two additional lagoons to receive dredged spoils and associated pipework and weirs and infrastructure.
- 4.2 The application has been advertised: Application to allow the following operations at the site in addition to those currently approved under planning permission reference P2076.17 (Revised restoration plan) and planning permission reference P0189.16 (Highways improvement):

1. The excavation of waste previously deposited in the lagoons at the site and the treatment of the excavated waste by washing, screening and crushing to produce recycled aggregate with the residues deposited at the site and the recycled aggregate sold off site;
2. The treatment of waste imported to the site by washing, screening and crushing to produce recycled aggregate with the residues deposited at the site and the recycled aggregate sold off site; and
3. The stockpiling of suitable chalk and clay rich waste materials and the export of the chalk and clay rich materials from the site for use in agricultural improvements and/or engineering

- 4.3 There are no proposals to change the overall quantity of waste that will be deposited at the site or the extent of the existing planning permission boundary under reference P2076.17. It is anticipated that throughput up to 500,000 tonnes per annum (tpa) will be imported and excavated and processed on site, though the maximum quantity of material which is permitted to be accepted, by the current Waste Management Licence issued by the Environment Agency, is 350,000tpa.. It is anticipated that approximately 350,000 tpa of secondary aggregates will be generated from the waste processing operations and approximately 150,000 tpa of residues will be deposited in the landfill. Up to 20,000 tpa of chalk and clay rich materials accepted at the site will be stockpiled and transferred from the site for reuse. The restoration timescales and the approved restoration scheme will not change as a result of the proposed development.
- 4.4 The proposed processing plant which will be located some 240m northeast of Coldharbour Lane, would be approximately 4 to 5.7m high. The conveyor arm of the screen will be limited to 5.5m in height and would have an overall width of approximately 16.65m when in operation. Its operations comprise washing, screening and crushing. A loading shovel and dump trucks of the movement of materials will be used as the treatment area and excavator will be used to excavate materials on site for treatment. The products of the washing and screening plant will comprise recycled aggregates akin to primary aggregates to be sold off site. According to the applicant, the residues from the treatment operations will be transported to and deposited in the designated area under operation at the time.
- 4.5 The main hardstanding will be approximately 220m by 140m with a concrete road or pads around all but the eastern edge which is bound by an existing tarmac road. The washing pad will have a maximum extent of approximately 100m by 70m. The five settlement/washing lagoons will be located to the north of the washing and screening plants. It is proposed to recover the settled washed sediments by dredging before placement in the landfill on site.
- 4.6 All materials leaving the site will be exported by road to the A13 or to the Jetty. The River Thames will be used as part of the transportation of material and aggregates. Where it is possible to export material by river to infrastructure projects or river hubs

for onward transport to customers the jetty will be used. The haul road from the site reception area will enter the processing facility at the southern side.

- 4.7 Fixed lighting is currently in place and operational on the corners of the concrete road around the proposed washing and processing area. As part of the proposed development additional lighting will be installed on the outside of the processing area facing inwards.
- 4.8 There is no restriction on the vehicle movements from the local highway network associated with the site operations. Planning application reference P0803.21 to increase the HGV movements associated with the transfer of materials from the jetty to the lagoons site was the subject of an appeal to increase the number of vehicle movements to a maximum 600 per day, currently 200 per day until 2026 and 160 per day thereafter. This appeal and planning application have now been withdrawn.
- 4.9 The vehicle movements associated with the proposed development will be within the current movements to the site per day. However, Transport for London have recommended restricting the number of HGV vehicle movements to no more than 53 one-way vehicle movements to enter or exit the site between the hours of 0630 and 1000 on weekdays (Monday to Friday) in any full week and also having travelled through or intending to travel through the eastern junction of Coldharbour Lane with Ferry Lane.
- 4.10 The development is proposed be operational during the following hours:
- 06:30-19:00 Monday to Friday and 0630 to 1700 hours Saturdays, with no working on Sundays or Public holidays.

5 PLANNING HISTORY

- 5.1 The following planning decisions are relevant to the application:

L/HAV/2819/79 - Proposal is to construct two lagoons to receive dredged spoil, together with associated pipe work, weirs etc. - Approved May 1980

P0189.16 - Highway improvement works to facilitate access and deliveries to the site compound associated with works permitted by planning application ref: L/HAV/2819/79 - Approved August 2016.

P2076.17 - Revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons from that originally prepared for extant permission L/HAV/2819/79, involving the reconfiguration of topographic levels. Granted - 04-09-18.

P0480.20 - Erection of a workshop and hardstanding for the benefit of plant and machinery maintenance to facilitate completion of the formation of silt lagoons approved under P2076.17. Granted 9-9-2020

P0802.21 - For an increase in highway movements for access and deliveries to the site compound associated with works permitted under P0189.16. Live application (no decision, appeal withdrawn).

P0144.22 – Variation of Condition No. 2 of Planning Permission Ref: P2076.17 dated 04/11/2018 to allow for a revised restoration plan for the Rainham Marshes Silt Lagoons. (Revised restoration plan for the Rainham Marshes Silt Lagoons following the completion of the formation of the silt lagoons from that originally prepared for extant permission L/HAV/2819/79, involving the reconfiguration of topographic levels. Refused – 09-05-22.

6 CONSULTATION RESPONSE

6.1 Statutory and Non Statutory Consultation

6.2 A summary of the consultation responses received along with the Officer comments

Greater London Authority (GLA) – Given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London does not need to be consulted further on this application. Your Council may, therefore, proceed to determine the application without further reference to the GLA;

NATS – No safeguarding objection to the proposal;

Historic England – The proposal is unlikely to have a significant additional effect on heritage assets of archaeological interest;

Natural England – No objection subject to mitigation measure recommended in the Preliminary Ecological Appraisal and the Ecological Mitigation Management Plan (Revision 3);

Environment Agency –We have to accept the conclusion the ecologist has drawn on water vole absence despite being surprised by their absence. Particularly in the large rectangular water body with the fringe of reeds. The discussions highlighted that the habitat within in the red line boundary is not high quality and that the eventual restoration of the site will create better habitat in the long run.

TfL –

1. To prevent the site could becoming primarily a waste processing facility and in order to ensure that the use of river transport is maximised, we would recommend that the particular form of processing undertaken on site is restricted, and that limits are placed on the number of goods vehicle movements to and from the site. Further, those limits should ensure that HGV movements during peak periods are zero, or the minimum that can be demonstrated to be viable, to help meet objectives set out in TfL's freight guidance and Proposal 15 of the Mayor's Transport Strategy.
2. Funding for improvements to cycle infrastructure serving the site to support cycling to and from work by staff and visitors.

3. Securing (by condition) the provision of secure and covered cycle parking facilities (the statement in paragraph 5.6 that these are already provided is unsubstantiated) supported by lockers and showers (see paragraph 10.5.7 of The London Plan).
4. Securing (by condition) a Travel Plan including measures to reduce single-occupant car trips and support cycling, in particular procedures to pay relevant taxi fares for cyclists in the event of mechanical failure or personal emergency.
5. A limit on vehicle movements is entirely appropriate as it has not been proven that the impact on the road network is acceptable. The difficulty is that our concern is over the impact on the road network to the northeast, rather than journeys to and from the river pier which we would actively encourage (subject to any other environmental concerns which the Council may have).

RSPB – While broadly the applicant has addressed many issues of potential concern, given the sensitivity of the area within the Inner Thames Marshes Site of Special Scientific Interest (SSSI), a cautious approach is necessary. The restoration timescales and the approved final restoration scheme) will not change as a result of the proposed development as well as the previously deposited material. More detail should be provided regarding mitigation measures in the EMMP, in order to provide certainty regarding outcomes for invertebrates as requested by the Ecology Advisor;

LBH Lead Local Flood Authority – No objection;

LBH Environmental Health (Air Quality) – No principle objection subject to conditions;

LBH Environmental Health (Noise) – Agree with the recommendation in the Noise report. No principle objection subject to conditions;

LBH Ecology Advisor – The already approved Ecological Mitigation and Management Plan (EMMP) – Revision 3 (Land & Water Remediation Ltd., December 2021) should continue to apply to this area.

However, we note that no specific biodiversity enhancement measures relating to these additional proposals have been identified in the documents provided. Furthermore, as advised in our response of 18th May 2023, we continue to recommend that there should also be a separate long-term (at least 30 years) Landscape and Ecology Management Plan (or similar), which could be provided through a suitably worded condition and secured for the long term through a legal agreement. The Landscape and Ecology Management Plan should set out habitat creation and short to long term management and monitoring of the site. As well as demonstrating that the SSSI features will be repaired, it should ensure that protected and Priority species have been taken into account, as well management of public access. The restoration plan may need to be updated to demonstrate this. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions based on BS42020:2013.

LBH Landscaping Advisor – In summary, while the visual effects upon the wider park could have been considered more fully, we are generally in agreement that the proposed

development would form a limited part of the visual experience and would be seen in the context of the surrounding land use/condition. Furthermore it is likely that it will be perceived as a continuation of the existing operations within the locale, therefore we are satisfied that it would not pose any significant, additional detrimental effects.

8 LOCAL REPRESENTATION

8.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days.

8.2 A total of 106 consultation letters were sent to neighbouring properties including businesses regarding this application. No representation has been received.

9 Relevant Policies

9.1 The following planning policies are material considerations for the assessment of the application:

Waste Management Plan for England

National Planning Policy Framework

National Planning Policy for Waste Planning Practice Guidance (Last update 2015)

The London Plan: The Spatial Development Strategy for Greater London (London Plan, 2021) Policies:

GG5 Growing a good economy

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D11 Safety, security and resilience to emergency

D14 Noise

G9 Geodiversity

SI12 Flood risk management

SI 6 Digital connectivity infrastructure

SI 7 Reducing waste and supporting the circular economy

SI 8 Waste capacity and net waste self-sufficiency

SI 9 Safeguarded waste sites

SI 10 Aggregates

T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impacts

T5 Cycling

T6 Car parking

Havering Local Plan 2021 Policies:

23 - Transport connections

24 - Parking provision and design

26 - Urban Design

27 – Landscaping

30 - Nature conservation

32 – Flood Management

33 - Air quality

34 - Managing pollution

35 - Waste Management

- 37 – Mineral Reserves
- 38 - Mineral Extraction
- 39 - Secondary aggregates

East London Joint Waste Plan (2012) (ELJWP)

- Policy W1: Sustainable Waste Management
 - Policy W2: Waste Management Capacity, Apportionment & Site Allocation
 - Policy W4: Disposal of inert waste by landfilling
 - Policy W5: General Considerations with regard to Waste Proposals
- The proposal site is not identified as a Schedule 1 or Schedule 2 site.

East London Joint Waste Plan Evidence Update (2022)

- The proposal site is identified as a licenced waste management site in the evidence update.
- Most recent tonnage throughput is identified as 298,394 tonnes (2019)

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Principle of the Development
- Visual and Landscaping Impact
- Local Amenity
- Ecology and Biodiversity
- Flooding and Runoff
- Land Contamination
- Lighting
- Highways/Parking

10.2 Principle of Development

10.2.1 The site has been approved and established for processing of non-hazardous waste by virtue of the 1980 planning permission for the construction of two additional lagoons to receive dredged spoils and associated pipework and weirs and infrastructure. The site covers an area of approximately 121 hectares and comprises nine lagoons, into which dredging have been pumped across the base. The lagoons are impounded by clay bunds and infilled to between approximately 3 and 5 mAOD (i.e. circa 5m depth of dredging). The site is also identified as a licenced waste management site in the East London Joint Waste Plan.

10.2.2 Natural England (2016) stated that this area of the Inner Thames Marshes SSSI was assessed as being in 'unfavourable declining' condition 'and the recommencement of the deposition of dredged material will help restore the SSSI unit back to favourable condition'.

10.2.3 The site waste management volumes are considered by the recent update to the evidence base for the East London Joint Waste Plan, published in November 2022. This reflects the requirements of the variation to permit EPR/FB3701XY.

10.2.4 The variation to the original permit now permits the following:

“the operator to continue to infill the lagoons with dredgings and accept inert wastes. The operator will restore the site in accordance with the approved restoration plan that details:-

- approximately 3.35 million m³ of materials will be imported to the site (delivered either by road or river including pumped to shore from the jetty); [the permits introductory note gives a tonnage increase for this annual waste input rate from 350,000 to 750,000 tonnes. This is acknowledged by the East London Waste Plan evidence base update in 2022 which gives the last known annual throughput as 298,394 tonnes, for 2019];
- the imported non-hazardous and inert material will be used to infill the lagoons and restore the site in accordance with the approved restoration scheme;
- the site will be filled in six phases to provide improved habitats. The timing and sequence of infilling will be agreed with the RSPB; and
- the site (which is currently a failing Site of Special Scientific Interest (SSSI)) will provide a desirable habitat and / or environment for protected species such as breeding birds, invertebrates and swamp reed beds. “

10.2.5 The National Planning Policy Guidance (NPPG) specifically highlights “**Should existing waste facilities be expanded/extended?** *The waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on ... Impacts on environmental quality ... and economic potential may all be relevant.*

10.2.6 The applicants have proposed to rely on the existing Environmental Permit. In terms of waste volume to be imported onto the site, the current licence sets a maximum of 750,000 tonnes.

Permitted Volume

10.2.6. The Permit is for premixed wastes composed only of non-hazardous wastes. Type: Absolute Non-hazardous. Environment Agency varied permit issued on 21/10/2020 for an increase of the annual waste input rate from 350,000 tonnes to 750,000 tonnes.

Waste Hierarchy and Site Optimisation

10.2.7 The proposal to process the aggregate from the lagoons is in line with the waste hierarchy aims of waste management policies at national, regional and local level to move waste up the hierarchy to reduce the levels going to disposal. However this has to be considered in light of other issues.

10.2.8 The London Plan policies regarding capacity Policy SI8 (3) states that “the waste management capacity of existing sites should be optimised”. The application

proposes an increase in the waste being brought onto site and processed as well as the use of aggregate already deposited on site within a number of the lagoons. It is considered that this would be optimising the use of the site for waste management prior to restoration.

- 10.2.9 The East London Waste plan supports the co-location of construction, excavation and demolition wastes on mineral sites, such facilities should be “temporary and restricted to the operation of the mineral site”.
- 10.2.10 Rainham Silt Lagoons has been the subject of waste management operations since the 1960’s and has accepted dredged materials and imported materials from the adjacent River Thames and other watercourses.
- 10.2.11 Whilst overall considered and licenced as a waste site, the proposed re-processing of the silt lagoon contents could be considered excavation of aggregate in policy terms and accordingly should be limited to a temporary process prior to restoration. Accordingly, the proposal is considered to be acceptable in principle. However, in line with the comments from the RSPB, further information will be needed to clarify and reassure that the works will not impact on the lagoons ability to retain water and provide the agreed habitats. This is analysed and considered within this report.

10.3 **Visual and Landscaping Impact**

- 10.3.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan in Policy D3 states that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character and Local Plan Policy 26 states that the Council will support development proposals that are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area.
- 10.3.2 The proposed processing plant which will be located some 240m northeast of Coldharbour Lane, would be approximately 4 to 5.7m high. The conveyor arm of the screen will be limited to 5.5m in height and would have an overall width of approximately 16.65m when in operation. The landscape in the vicinity of the application site is generally flat and low lying with limited variation comprising the River Thames and adjacent marshes, with the Veolia landfill a marked contrast to this rising above the surrounding flat landscape.
- 10.3.3 Impact on the planned Veolia landfill recreational park
The surrounding area is industrial in nature and is set off the highway at a higher level and accordingly will not be readily visible in the streetscene, as such there will little impact along Coldharbour Lane. There would be some limited visual disturbance to users of the adjacent path, although it is noted that the existing waste/landfill

processes occurring within the overall application site are also prominent when viewed from this path.

- 10.3.4 Turning to the planned Veolia landfill recreational park, the submitted Visual Statement in response to the LPA request to undertake a study of the visual effects for recreational users of the planned recreational park, discuss the historic and current landscape condition which it assesses as poor but improving. The report also recognises that the development will introduce further “human-made elements” and “increase the visual complexity for viewers” but concludes “that the proposed development would not have unacceptable visual effects on future users of the restored Veolia landfill site.
- 10.3.5 The document has been reviewed by the Council’s Landscaping Advisor who advised that while the visual effects upon the wider park could have been considered more fully, there is generally an agreement that the proposed development would form a limited part of the visual experience and would be seen in the context of the surrounding land use/condition. Furthermore, it is likely that it will be perceived as a continuation of the existing operations within the locale, and therefore are satisfied that it would not pose any significant, additional detrimental effects.
- 10.3.6 The views in from the adjacent landforms would change but it is considered that the level of change would not be such as to result in harm to the character of the area.
- 10.3.7 It is noted that the structure would not be visible when viewed from the proposed recreational park over and above what exists currently due to the intervening screening and separation distance.
- 10.3.8 The proposed structures are indicated to be goose wing, although shown in red in the submitted technical sheet, it will be grey in colour and this is considered to be a suitable external finish. A condition is recommended to ensure that there is suitable boundary screening to the southern boundary of the site.
- 10.3.9 No objection is raised in relation to the visual impact of the proposed development. Given the nature of the proposal, including its siting, scale, and design, it is considered that it would not have any significant adverse impacts on the character of the area and that it would therefore not be contrary to stated relevant policies.

10.4 **Local Amenity**

Noise

- 10.4.1 The introduction of machinery on the scale proposed without appropriate site design and management may have the potential for increased dust, noise and vibration. London Plan Policy SI8 E(4) states development proposals that support waste capacity and net waste self-sufficiency should be evaluated against the impact on amenity in surrounding areas (including but not limited to noise, odours, air quality and visual impact) and where a site is likely to produce significant air quality, dust or noise impacts it should be fully enclosed.

- 10.4.2 The applicant's supporting statement states that full enclosure of the plant has been considered in discussion with the Environment Agency under the Schedule 5 Notice that was issued for the site's Environmental Permit variation application to accommodate the proposed waste processing operations, and it was however not considered to be necessary for the application site.
- 10.4.3 Although the proposed waste processing plant will not be enclosed, the nearest residential properties to the site are approximately 1km from the area of the site relevant to these proposals.
- 10.4.4 The application is accompanied by a Noise Assessment. The EH officer agrees in principle with the findings, and notes that there are a number of recommendations within the report which should be adopted. The Council's Environmental Health Officer (EHO) raises no objection in terms of noise generation. The officer has recommended a condition to limit noise generation, when measured at the boundary of the nearby noise sensitive premises.
- 10.4.5 Subject to compliance with this noise limit condition, it is considered that there would not be a materially harmful effect on residential properties in the vicinity.

Air pollution

- 10.4.6 The site is within an area of poor air quality currently and the entirety of the borough is classified as an Air Quality Management Area.
- 10.4.7 It is not proposed by Land and Water to process clay and chalk rich materials at the site. Clay and chalk rich materials are not suitable for washing and screening. It is proposed that any materials that are rich in clay or chalk that are brought to the site will be segregated from the materials that are suitable for processing. The segregated chalk and clay rich materials will be stockpiled on site for a short time until there are sufficient quantities to satisfy an order for use elsewhere. Materials thus stockpiled will be dampened when required by spraying of water in order to minimise the likelihood of any adverse impacts from dust emissions. It is anticipated that the chalk and clay rich materials will generally be used in engineering and agricultural applications elsewhere.
- 10.4.8 There is potential for significant increase in the levels of dust and its impacts from the proposed increase in volumes of clay and chalk from the "washing, screening and crushing" processing and stockpiling. The clay and chalk by definition, would be of finer material than the other aggregates currently processed and stockpiled, particularly where uncovered and uncontained, when dry has the potential to create more airborne dust particles with the associated impacts on staff on site, wildlife and habitat.
- 10.4.9 The application is accompanied by an Air Quality Assessment. The Assessment goes on to conclude that dust emissions would be very low and unlikely to have a significant adverse impact on local amenity, staff on site and wildlife and habitat.
- 10.4.10 The proposed use as a washing, screening and crushing plant to produce recycled aggregate would be required to obtain an Environmental Permit, which would require

mitigation measures to ensure that there are no significant releases into the air. This Environmental Permit is specific to the excavation of waste previously deposited in the lagoons at the site and the treatment of the excavated waste by washing, screening and crushing to produce recycled aggregate and, as such, relates specifically to this process/activity. The precise mitigation measures would be determined by the Environmental Permit.

- 10.4.11 Submitted supporting documents include a Dust Emissions Management Plan (DEMP) which has been agreed with the Environment Agency (EA) under the Environmental Permit variation application which was issued in August 2023. The EH officer has raised no fundamental objection to the application and advised that as the report forms part of the site's licence issued by the EA, there are no issues with it.
- 10.4.12 Subject to mitigation measures which will be required to adhere to the Environmental Permit and imposition of conditions including compliance with the DEMP, it is considered that the impact on air quality would be acceptable.

10.5 **Ecology and Biodiversity**

- 10.5.1 Havering Local Plan Policy 30 states that the Council will protect and enhance the Borough's natural environment and seek to increase the quantity and quality of biodiversity by ensuring developers demonstrate that the impact of proposals on protected sites and species have been fully assessed when development has the potential to impact on such sites or species.
- 10.5.2 The submitted ecological information has been updated several times as a result of the issues and concern raised by the Council's Ecology Advisor. Some of the surveys conducted, at the behest of the Environment Agency, with respect to Water Voles, has been updated and no water voles were found on site. This provides sufficient certainty that Water Voles are not present on the site. It is possible that they will be present on the wider site.
- 10.5.3 The submitted Ecological Mitigation and Management Plan (EMMP) also advises that no vegetation will be cleared during the bird nesting season and there is additional mitigation for Marsh Harrier and Cetti's Warbler.
- 10.5.4 The RSPB, in its consultation response, advised that the submitted Ecology Mitigation and Management Plan (EMMP) must be followed, and reviewed and updated as appropriate, and the recommendations in the Preliminary Ecological Appraisal of 23 August 2022 should be followed; that while broadly the applicant has addressed many issues of potential concern, given the sensitivity of the area within the Inner Thames Marshes Site of Special Scientific Interest (SSSI), a cautious approach is necessary.
- 10.5.5 The Council's Ecology Advisor has reviewed the final Preliminary Ecological Appraisal relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and is satisfied that there is sufficient ecological information available for

determination of this application, and therefore recommend that there should also be a separate long-term (at least 30 years) Landscape and Ecology Management Plan (or similar) by way of a suitably worded condition and secured for the long term through a legal agreement. The proposed plant would be located in an area of the site forming part of the operational, processing area, and it is therefore considered that the proposal would not have any significant impacts on local ecology

10.5.6 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

10.5.7 Based on the above, it is considered that sufficient information has been provided to demonstrate how the protected or priority species being present in the vicinity of the site for biodiversity enhancements and biodiversity net gain. According to the EA, the eventual restoration of the site will create better habitat in the long run. As such, subject to mitigation measures which will be required to adhere to the Environmental Permit and imposition of conditions including compliance with the Ecology Mitigation and Management Plan (EMMP), it is considered that the proposal accords with national and regional planning policy, Policy 30 of the Local Plan and The Conservation of Habitats and Species Regulations 2017 (as amended).

10.6. **Flood Risk**

10.6.1 The site is located in Flood Zones 2 and 3. The application is accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency. The Environment Agency has raised no objections to the proposal subject to Emergency Planning reviewing the proposal.

10.6.2 As regards surface water, the Council's Flood Officer has raised no fundamental objection subject to a surface water drainage strategy being submitted and approved. This is recommended to be attached as a planning condition. The proposal is considered to be acceptable in terms of flooding and run-off.

10.7 **Land Contamination**

10.7.1 The application has been considered by the Council's Environmental Health officers. No objections have been raised.

10.8 **Lighting**

10.8.1 The separation distance to neighbouring properties is such that there would not be disturbance by way of lighting.

10.8.2 The planning Statement states that fixed lighting is currently in place and operational on the corners of the concrete road around the proposed washing and processing area. As part of the proposed development additional lighting will be installed on the outside of the processing area facing inwards. All existing and proposed lighting will

be directed downwards and shielded to avoid unnecessary light spillage. Any lighting on site will only be used as necessary during operational hours. The processing plant and mobile plant will continue to be fitted with lighting as necessary.

- 10.8.3 A condition requiring the submission of a lighting strategy is recommended to ensure that lighting is angled and designed to maintain a 'dark corridor' to ensure that wildlife and general amenity is not adversely affected. The Ecology Advisor has not raised any fundamental objection on this.

10.9 Highways/Parking

- 10.9.1 London Plan (LP) Policy T4 states that 'when required in accordance with national or local guidance, transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans, Parking Design and Management Plans, Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance'. Policies T2 and T5 relate to healthy streets, the provision of cycle and pedestrian friendly environments, whilst policy T6 relates to parking standards. London Plan Policy T4, aims to contribute to modal shift through the application of parking standards and implementation of a Travel Plan. These aims are also reflected in Policies 23 and 24 of the Local Plan.
- 10.9.2 The PTAL is 0 (worst) with buses the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied.
- 10.9.3 The applicant has provided a transport assessment (TA) in support of their proposal, which concludes that the proposal would give rise to no highway or transportation reasons to object to the proposal. According to the submitted Planning Statement, the proposed development will not result in an increase in the number of vehicles using the nearby roads above that associated with the current operations. Recycled aggregates exported from the site will be exported by road with a proportion backhauled from the site. Where practicable and feasible materials will be exported by water making use of the existing jetty.
- 10.9.4 There is no restriction on the vehicle movements from the local highway network associated with the site operations. Planning application reference P0803.21 to increase the HGV movements associated with the transfer of materials from the jetty to the lagoons site from the current 200 movement per day to 600, was the subject of an appeal under the non-determination appeal process. The Council informed the Planning Inspectorate that it would have been refused had the application not been appealed. This appeal and planning application have now been formally withdrawn.
- 10.9.5 Notwithstanding that there is no restriction on the number of HGV movements from the local highway network associated with the site operations in the original

permission, TfL have raised concern on the likely impact of the proposal on the local network as development in the area has evolved since the 1980 permission particularly, taking account of a large development just across the border in Barking & Dagenham and the impact it would have on the A13 and those generated by the industries in Ferry Lane and Coldharbour lane and the junction of Coldharbour Lane with the A13.

- 10.9.6 TfL have therefore recommended the imposition of conditions including restricting the number of HGVs movements to no more than 53 one-way vehicle movements to enter or exit the site between the hours of 0600 and 1000 on weekdays (Monday to Friday) in any full week and also having travelled through or intending to travel through the eastern junction of Coldharbour Lane with Ferry Lane, with the limit applied pro-rata for any weeks in which the development is not open for operation on every weekday in order to mitigate the impact of the proposal on highways and pedestrian flow and safety.
- 10.9.7 The site would likely accommodate 6 additional members of staff, although 3 would be part-time. The provision of car parking spaces, motorcycle parking spaces and cycle parking spaces is considered to be sufficient for the intended use.
- 10.9.8 Subject to specific mitigation measures and associated modal shift incentives, implementation of the package of works required to manage the impacts of the development on the surrounding network, including pedestrians and cyclists and having regard to the findings of the transport assessment, the proposal need not give rise to significant adverse environmental effects that would warrant rejection of the proposals outright, and as such the proposal is not in conflict with the relevant policies stated above.

Equalities

- 10.1 The Equality Act 2010 provides that in exercising its functions (which includes its role as Local Planning Authority), the Council as a public authority shall amongst other duties have regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 10.2 For the purposes of this obligation the term “protected characteristic” includes:- age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 10.3 Policy CG1 of the London Plan also seeks to support and promote the creation of an inclusive city to address inequality.

10.4 Therefore in recommending the application for approval, officers have had regard to the requirements of the aforementioned section and Act and have concluded that a decision to grant planning permission for this proposed development would comply with the Council's statutory duty under this important legislation.

10.5 In light of the above, the proposals are considered to be in accordance with national regional and local policy by establishing an inclusive design and providing an environment which is accessible to all.

11 **Conclusions**

11.1 The application is considered to have satisfactorily demonstrated (with adequate measures in place) that traffic movements would not increase, that parking would be adequate and that issues of noise and dust would be sufficiently mitigated by way of conditions and requirements in order to gain an Environmental Permit to avoid material harm to local amenity.

11.2 It is acknowledged that the activity would generate some noise and dust, however, these impacts would be sufficiently mitigated. On balance, having regard to the site's location and proximity to a Strategic Industrial Location, the proposal is considered to be acceptable.

11.3 The proposal has demonstrated that the proposed use as an aggregate crushing/washing plant including excavation of deposited materials, treatment of imported waste and stockpiling of chalk and clay rich waste material, would be a 'less vulnerable' use and not at significant risk in terms of flooding. Subject to conditions, the impact on the adjacent watercourse and flood issues are considered to be acceptable.

11.4 The proposed development will not result in an impact on the current operations at the site, or a change to the restoration timescales for the site or to the final approved restoration scheme for the site, which has been designed with input from the RSPB and Natural England to ensure the habitats established at the site are suitable to improve the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and will result in substantial biodiversity net gains at the site and local area.

11.5 Government strategy for resources and waste has an emphasis on the reduction, reuse and recycling of waste and for the adoption of waste management that contributes to the Circular economy. This proposal is consistent with this aspiration and with pushing waste up the waste hierarchy.

11.6 The environmental effects of the proposed development have been assessed and it is considered that the proposals are consistent with local planning policy and the protection of the environment and amenity.

13.7 The proposed development is temporary and will be removed on completion of the restoration works at the site. Condition(s) to restrict the use of the area and ensure that the plant, stockpiles and hardstanding is removed and the land restored in accordance with the restoration plan in line with the 2018 permission is imposed.

- 11.8 The proposal is considered to be acceptable subject to conditions and the prior completion of a Section 106 Agreement securing the planning obligations set out in the recommendation.
- 11.9 The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the policies of The London Plan (2021) and Havering Local Plan 2021, having regards to all relevant material considerations, and any comments received in response to publicity and consultation. It is therefore recommended that planning permission be granted.