

## Rainham Landfill site, Rainham

in the London Borough of Havering

planning application no. P1566.12

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

### The proposal

Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.

### The applicant

The applicant is **Veolia Environmental Services (UK) Plc** and the agent is **Veolia Environmental Services**

### Strategic issues

The proposal will involve the increase in London's landfill capacity, which would assist waste self-sufficiency in London. It will enhance **biodiversity** and provide **open space** visitor facilities in the future. Therefore the land use principle is acceptable in strategic planning policy terms.

The concerns raised at stage 1 regarding **biodegradable waste**, **river transport** and **air quality** have been satisfactorily addressed. **Sustainable transport** measures and financial contributions are secured through the heads of terms.

### The Council's decision

In this instance Havering Council has resolved to grant permission.

### Recommendation

That Havering Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

### Context

1 On 6 February 2013 the Mayor of London received documents from Havering Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 2B of the Schedule to the Order 2008: "waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought".

2 On 6 March 2013 the Mayor considered planning report PDU/2322a/01, and subsequently advised Havering Council that the application did not comply with the London Plan, for the reasons set out in paragraph 45 of the above-mentioned report; but that the possible remedies also set out in this paragraph of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 18 December 2014, Havering Council decided that it was minded to grant planning permission, and on 7 January 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Havering Council under Article 6 to refuse the application or issue a direction to Havering Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 21 January 2015 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## Update

6 At the consultation stage Havering Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 45 of the above-mentioned report; but that the possible remedies also set out in this paragraph of that report could address these deficiencies:

- **Waste:** The application complies with London Plan policy 5.17 'Waste capacity.' It is recommended that no biodegradable waste, such as food or green waste goes to landfill and the applicant should continue to explore river transportation of waste, which should be secured by the Council.
- **Biodiversity:** the applicant should address the various mitigation measures recommended in the biodiversity section of the report. The Council should work with the applicant to help deliver some of the London Regional Biodiversity Action Plan habitat targets for 2020 as set out in Table 7.3 of the London Plan and projects within the Riverside opportunity area as the proposal has the ability to do so.
- **Air Quality:** The applicant is requested to provide clarification with regards to the landfill gas impacts as outlined in paragraph 33.
- **Transport:** The applicant should provide clarification regarding the number and type of parking spaces, a commitment to the use and monitoring of river borne transport, and the promotion of sustainable transport travel to work.

7 The Council granted planning permission on 18 December 2014, following on from two earlier planning committee meetings on 17 July 2014 and 11 September 2014, when Members decided to defer the application to allow for further information to be gathered and for negotiations between the applicant and planning officers.

## Waste

8 Having reviewed the applicant's response to the stage 1 report, the applicant's approach is acceptable. The applicant has explained that due to increased recycling rates and a reduction in waste arriving at the site from recipient authorities, such as Tower Hamlets Council (who now sends its waste to the Belvedere energy from waste plant), the waste arriving at the site has predominantly been lighter in volume and thus sunken. This has added to the timeframe required to achieve the land settlement as previously approved under the 1998 permission. This has also lengthened the restoration timeframe of the site to a park.

9 The application is therefore a result of waste management policies and management that has resulted in increasing the proportion of biodegradable waste being diverted away from landfill to other forms of waste management such as incineration with energy recovery, in-vessel composting and anaerobic digestion. This together with a reduction in solid waste being recovered or recycled has led to a need for more material at this site. Therefore, the applicant rightly justifies a total ban of biodegradable waste to the site as being unnecessary, as this change is coming about as a result of the implementation of policies already in place.

10 GLA officers accept that such a restriction would be counter productive as there still remains a need for non-hazardous landfill until such time as there is sufficient treatment capacity for all such waste. However, for the future, the Council and the applicant should note that London Plan policy is to work towards zero biodegradable or recyclable waste to landfill by 2026 and therefore a further extension request for this site would need to be in line with this strategic policy.

11 The Council's draft S106 also requires that reasonable endeavours are made to bring in material by water. It is due to the river transportation negotiations that the application was twice deferred. The applicant is committed to and the Council will continue to seek appropriate opportunities in accordance with commitments given in the previous Draft S106 to import material by river transport.

#### The Wildspace Conservation Park and open land

12 At stage 1, the delay in the delivery of the Wildspace Conservation Park as a result of this extension of landfill operations was considered to be acceptable. It was acknowledged that the impact on landfill profiling due to changes in waste management, and disposal could not necessarily have been predicated at the time of the original consent. It was also accepted that additional waste is needed in order to achieve the final contour levels required for this Wildspace Conservation Park, and that additional time is also necessary. Without re-grading the land, the site would suffer from poor drainage and increased pollution, which would make it unsuitable for public access and hence use of the Wildspace regeneration project. The new contouring of the land will prevent any water potting and sinking etc. whilst bringing forward community regeneration and is therefore supported.

### **Biodiversity**

13 At stage 1, the applicant was advised that should the proposal be permitted, mitigation should include:

- Further support for the nature reserve managers (RSPB) to assist them in managing and reducing the impact of predation on the eggs and chicks of wading birds;
- An amended and binding restoration plan that brings forward, where practical, habitat creation and increased public access.

14 The Council was also required to work with the applicant to help deliver some of the London Regional Biodiversity Action Plan habitat targets for 2020 as set out in Table 7.3 of the London Plan. The proposed London Riverside Conservation is a strategic project in delivery of the objectives of the All London Green Grid. This proposal has the ability to help with these projects and should be explored further.

15 The biodiversity issues identified at stage 1 have been addressed through negotiations with RSPB. The RSPB will work with the applicants to ensure the operational management of the site minimises the impacts of predation on ground-nesting birds. The Council has secured conditions 4 and 5 relating to the site's restoration and aftercare, respectively, to address Natural England's recommendation to enhance biodiversity. The biodiversity measures recommended for site restoration by the RSPB should be secured within the restoration and aftercare schemes conditions, and be agreed with the RSPB. Council Officers have agreed to consult RSPB on this matter. An ecological management plan is also sought as part of the s106 agreement.

## **Air Quality**

16 The applicant has confirmed that as the maximum peak of landfill gas generation will not change compared to currently permitted operations. Even with incremental increase in deposition, the comparative increase has been calculated to be well below the maximum deposition rate.

17 Therefore, having re-assessed the extension proposal and having reviewed the applicant's response at post stage 1, GLA officers are of the view that the ecological receptors on this site are not likely to be affected by nitrogen and acid deposition on the SSSI.

## **Transport for London's comments**

18 TfL welcomes a travel plan being secured as part of the application which will harness opportunities for river borne transport of waste to the site. TfL reiterated its outstanding concerns about cycle parking, electric vehicle charging points (EVCPs), and blue badge parking in its response to the Council's consultation on 10 September 2014.

19 These measures have not been provided by the applicant, and it has justified the absence of these measures on the basis that the site is in a remote location; and that for the 100 members of staff working there, 54 off-site parking spaces are available, and some staff make use of a minibus service.

20 It is disappointing that despite stage 1 requests the scheme does not comply with the London Plan policy in respect of blue badge and cycle parking and EVCP. However on balance in this case this is not considered sufficient to justify recommending to the Mayor that he directs refusal. TfL's comments have been considered by the Council and overall on balance the proposal is considered to be acceptable subject to compliance with conditions, and the obligations referred to in the heads of terms (green travel plan, endeavours to make use of river transport where possible), a contribution of £100,000 towards highway maintenance (to and from the application site to the A13, given the additional wear and tear the proposed extension would cause) and lorry routing.

## **Response to consultation**

21 This application was advertised by site and press notices. 237 notification letters were sent to neighbouring/local addresses. One letter of objection was received for the following reasons :

- The case for extending the working period is not convincing;
- The operator has previously had extensions to the working period;
- The proposal is harmful to the visual amenities and character of the landscape;
- The proposal has adverse impacts on amenity owing to traffic, noise, odour, and dust.

22 An objection was received from a local ward councillor. The Councillor (Jeffrey Tucker) objected on the following grounds:

- The continued extension of the operating period has been harmful to trade and visitor numbers in Rainham;
- The case for extending the working period is not convincing;
- The operator has previously had extensions to the working period;
- The proposal has adverse impacts on amenity owing to traffic, noise, odour, dust, and general danger;
- The landfill facility is harmful to the health and safety of local people.

23 The other statutory consultees responded as follows:

- Environment Agency (EA): No objections;
- Natural England (NE): No objections. Stated that the application may provide opportunities to incorporate features into the design which will benefit wildlife and enhance biodiversity;
- Thames Water: No objections;
- Thurrock Council: No objections;
- Port of London Authority (PLA): No objections in principle, however since the PLA is the landowner, it will need to be included in discussions (by the Council) relating to the finalisation of the S106/planning obligations;
- Ministry of Defence: No objections;
- The Royal Society for the Protection of Birds (RSPB): No objections. Comments made in relation to the restoration scheme, and its experience and desire to be involved in the process. The Council should secure this in the final S106 agreement.

24 The Council has assessed the impact of the proposals in the committee report and has responded to the concerns raised by statutory consultees, including Stage 1 comments, and appropriately worded conditions, informatives and a draft section 106 agreement is being finalised; amending the previous legal agreement. The heads of terms detailed in the Council's committee report(s) reflect what is in the draft agreement.

### **Article 7: Direction that the Mayor is to be the local planning authority**

25 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

26 In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

27 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application (the next four words are optional) and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable

development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. Having had regard to Article 6, the Mayor does not wish to direct refusal of the planning application.

## **Financial considerations**

28 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

29 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

30 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## **Conclusion**

31 The application proposes to achieve the highest outcomes for the benefit of the community and in enhancing the biodiversity and species diversity in the Inner Thames and wider Rainham Marshes Nature Reserve. The Council should secure the involvement of the RSPB in finalising the restoration and aftercare obligations contained within the draft S106 agreement.

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**Rainham Landfill site, Rainham**

in the London Borough of Havering

planning application no. P1566.12

**Strategic planning application stage 1 referral (new powers)**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

**The proposal**

Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.

**The applicant**

The applicant is **Veolia Environmental Services (UK) Plc** and the agent is **Veolia Environmental Services**

**Strategic issues**

The proposal will involve the increase in London's landfill capacity, which would assist waste self-sufficiency in London. It will enhance **biodiversity** and provide **open space** visitor facilities in the future. Therefore the land use principle is acceptable in strategic planning policy terms.

Further information is required to address waste concerns relating to **biodegradable waste** and **river transport**. Various detailed matters relating to **air quality** and **transport** need to be clarified specifically the transportation of waste by water.

**Recommendation**

That Havering Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 45 of this report; but that the possible remedies also set out in this paragraph could address these deficiencies.

**Context**

32 On 6 February 2013 the Mayor of London received documents from Havering Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 19 March 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for

taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

33 The application is referable under Category 2B of the Schedule to the Order 2008: *"waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought"*

34 Once Havering Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

35 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

36 The Mayor of London's statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

37 The 177-hectare site, located on the northern bank of the River Thames is surrounded by a mixed setting of open marshland and industrial/commercial land uses. To the north and east the site is bordered by Coldharbour Lane which provides access to the site via Ferry Lane and ultimately, with the A13. To the south and west the site is bounded by minor access roads and industrial units on the Freightmaster Estate and also the River Thames. There is no public transport available to the site.

38 To the north-east of Coldharbour Lane lie the Rainham, Wennington and Aveley marshes. The area covered by the three marshes is of Metropolitan and Borough Nature Conservation Importance and constitute the nationally designated Inner Thames Marshes Site of Special Scientific Interest (SSSI). The site lies on the floodplain of the River Thames, but as a result of previous infilling, a large portion of the site has been raised substantially above it and is protected by flood defence structures.

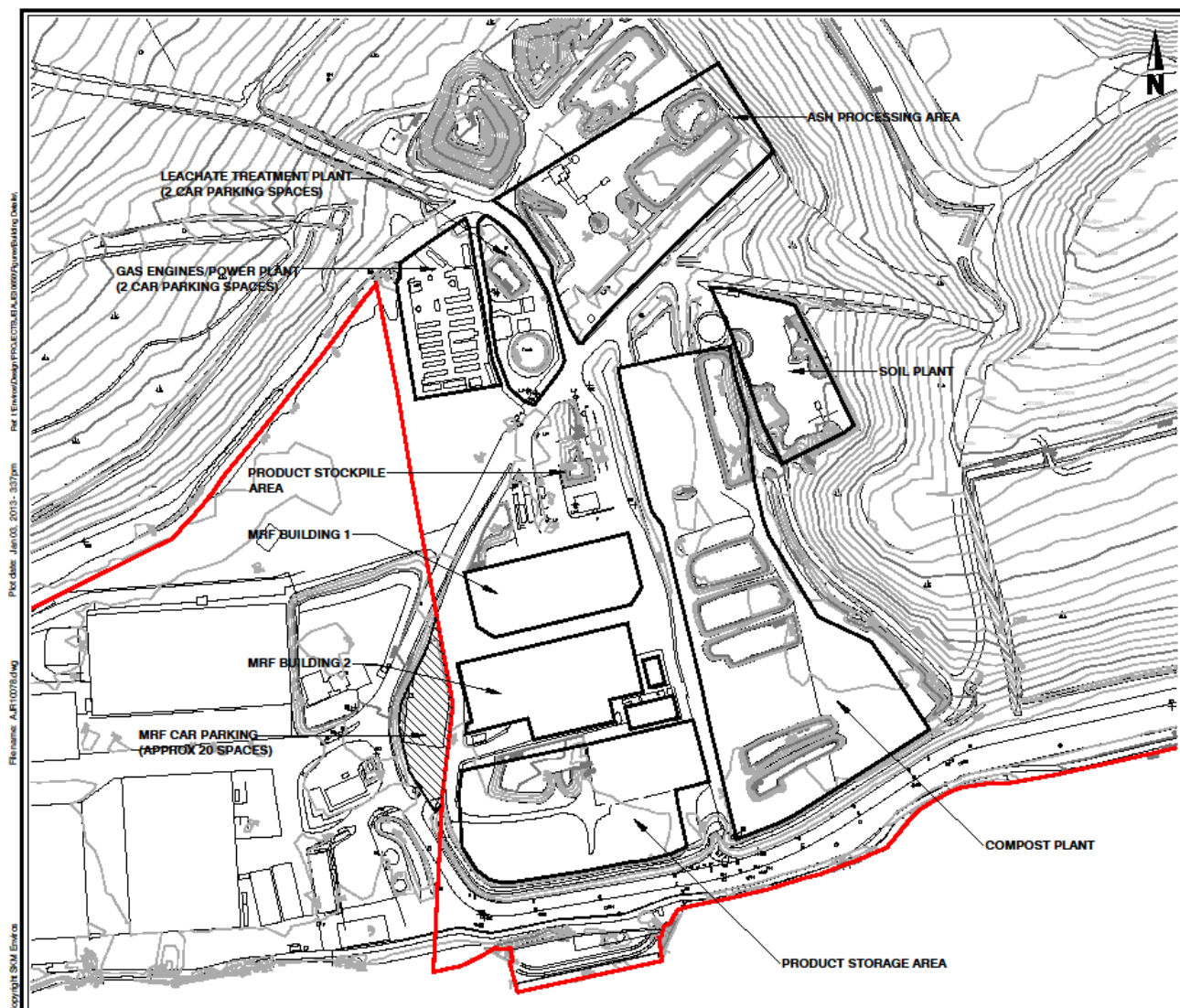
39 A waterfront path runs along the bank of the River Thames and forms part of the London Loop recreational route that runs from Rainham to the lighthouse at Coldharbour Point and then continues east along the north bank of the River Thames towards Purfleet.

40 The site receives non-hazardous and inert waste by road and by river via a purpose-built jetty on the River Thames. The site, along with the established landfill operations, has incorporated a materials recovery facility (MRF), a composting facility, a waste transfer station (now not operational), wood chipping operation (also not operational), an ash handling plant, landfill gas electricity generation plant exporting power to the National Grid and leachate treatment plant. There is also an adjacent soil washing plant used to process the restoration soils from the landfill.

41 The closest residential area lies to the south approximately one kilometre away on the opposite bank of the River Thames at Erith in the London Borough of Bexley. The site is located approximately 5km from Rainham Town Centre. The A13 Thames Gateway, about 1km away, is the nearest part of the Transport for London Road Network (TLRN).

42 There are no public transport services within reasonable walking distance, the nearest being at Rainham railway station 3km away by road. Therefore, the application site records a public transport accessibility level (PTAL) of 0 on a scale of 1-6, where 6 is the highest.

## Site – landfill and various infrastructure plants



### Details of the proposal

43 The proposal is to extend the life on the existing landfill at Rainham Riverside, resulting in: placement of an additional 3.6 million tonnes of non-hazardous waste over the permitted landform; extend the life of the landfill and recycling operation and road based imports to 31 December 2024, and amendments to the restoration plan, which will result in the site becoming part of Wildspace – the London Riverside Conservation Park.

### Case history

44 There is a long history of waste disposal at this site. The Landfill site also contains other waste management facilities at the southern end of the site on the Coldharbour Lane Commercial Area.

45 A consent issued in 1998 required cessation of the landfill by 2012 and restoration by 2018. However, the operator found that the landfill material was settling at a faster rate and that therefore to achieve the post settlement restoration profiles agreed by the 1998 consent the

amount of material allowed into the site needed to be increased by 3.6 million tonnes and the end date of the operation needed to be extended from 2012 to 2018. The Mayor supported this proposal (report PDU/2322/02). The former London Thames Gateway Development Corporation resolved to grant permission for this application, although the section 106 agreement has not been signed and therefore the consent has not been issued.

46 The previous Mayor has considered planning applications for the following schemes at the industrial estate:

- Autoclave waste processing facility, 11 May 2005 (report PDU/1137c/01). The previous Mayor concluded that he supported the scheme in principle but sought resolution of the potential conflict between London Riverside Conservation Park aspirations and waste activities. He also sought assurances on site location, water, energy and design issues.
- Materials Reclamation Facility, 21 January 2004 (report PDU/0886/01). The previous Mayor commented informally on this application, recommending that information should be provided to demonstrate the scheme met his Waste Strategy targets, that the design be considered in relation to conservation park aspirations, and that measures to monitor transport of waste by river are put in place.

## **Strategic planning issues and relevant policies and guidance**

47 The relevant issues and corresponding policies are as follows:

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| <ul style="list-style-type: none"> <li>• Waste/minerals</li> <li>• River Thames</li> <li>• Open land</li> <li>• Biodiversity</li> <li>• Air quality</li> <li>• Ambient noise</li> <li>• Sustainable development</li> <li>• Transport</li> <li>• Parking</li> </ul> | <p><i>London Plan; the Municipal and Business Waste Management Strategies; PPS10</i></p> <p><i>London Plan; Mayor’s draft Water Strategy</i></p> <p><i>London Plan; East London Green Grid SPG; All London Green Grid SPG</i></p> <p><i>London Plan; the Mayor’s Biodiversity Strategy;</i></p> <p><i>London Plan; the Mayor’s Air Quality Strategy;</i></p> <p><i>London Plan; the Mayor’s Ambient Noise Strategy;</i></p> <p><i>London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy</i></p> <p><i>London Plan; the Mayor’s Transport Strategy;</i></p> <p><i>London Plan; the Mayor’s Transport Strategy</i></p> |
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48 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Havering Core Strategy Development Plan Document (adopted 23 July 2008), the Development Planning Document (adopted 22 October 2008), the Site Specific Allocations Development Plan Document (adopted 23 July 2008) and the 2011 London Plan.

49 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework
- The London Riverside Opportunity Area Planning Framework- This has now undergone public consultation.

## **Waste**

50 The Mayor wants London to be a world leader in waste management, making use of innovative techniques and technologies to minimise the impact of waste on our environment and fully exploit its economic value. The Mayor's vision is built on the waste hierarchy, which is applied from the top down. It supports those activities further up the hierarchy that can achieve the greater cost savings and environmental benefits over those activities further down it. Sending waste to landfill falls at the bottom of the waste hierarchy this is why the Mayor has set a target of zero waste direct to landfill by 2031.

51 The Mayor's Municipal Waste Strategy (MMWS) estimates that 41% of London's non-recyclable municipal waste is currently sent directly to landfill. Waste that can be recycled should not be sent to landfill and where practicable no waste should be sent directly to landfill.

52 Continuation of landfill operations at this site does conflict the Mayor's long term aspirations for waste, however, it is acknowledged that until sufficient recycling and recovery capacity for London is achieved, landfill is an unavoidable waste solution for non recyclable waste.

53 The Mayor also wants to manage as much of London's waste within London as is practicably possible, working towards the equivalence of 100% of London's waste within London by 2031. However, approximately 50% of London's waste is exported beyond the GLA boundary. Therefore extending the life of this landfill is preferable to sending London's waste beyond its boundaries. However, it is important that the continuation of landfill does not frustrate the development of other waste processing technologies that are higher up the hierarchy. Therefore landfill should be the final option in waste disposal solution and for only non-recyclable waste.

54 The proposal will allow for the continued use of the waste recycling and recovery facilities on site. The GLA is supportive of this extended use and recommends that the applicant seeks to maximise the amount of recycling and recovery on this site.

55 Climate change is one of the key drivers for London's municipal waste management policy. The municipal waste that London sends to landfill generates approximately 460,000 tonnes of greenhouse gas emissions each year. No biodegradable waste, such as food or green waste should go to landfill.

56 The application also proposes a reduction in waste transfer by river and a request for extended use of road transfer. Given the various environmental impacts of increased road based transport the GLA would encourage the applicant to source new contracts that make river transport a more viable transfer option. Such transportation of waste should be discussed further with the Council and secured through a condition.

## **The Wildspace Conservation Park and open land**

57 Policy 2.14 and map 2.5 of the London Plan identify the London Riverside as an opportunity area for regeneration, where development should be optimised. A key project within the London Riverside is the development of the Wildspace Conservation Park, formally known as The London Riverside Conservation Park. The Wildspace Conservation Park is being developed as a green space for the Thames Gateway covering 600 hectares in Havering and Thurrock. The applicant envisages that the landfill, once rehabilitated and restored, will become part of the Wildspace Conservation Park and therefore is considered consistent with the above policies.

58 The extension of landfill operations would delay the restoration and after use of the site, which under the original consent would have been achieved by 2018. This is unfortunate since it could be argued to undermine the credibility of the planning system to achieve

mitigation from harmful development proposals. However, it is acknowledged that the impact on landfill profiling of changes in waste management and disposal could not necessarily have been predicated at the time of the original consent. It is accepted that additional waste is needed in order to achieve the final contour levels needed for this after use and that additional time is also necessary. The delay in delivery of the extension is therefore acceptable.

## **Biodiversity**

59 The extension of the life of the landfill has implications for the ongoing management of the adjacent RSPB nature reserve and the delivery of the proposed London Riverside Conservation Park.

60 Although extending the life of the landfill and recycling operation will not increase the quantum of existing negative impacts on the adjacent nature reserve – including the predation of eggs and chicks of ground-nesting birds by foxes, gulls and crows attracted to the landfill - the extension of the life of the landfill will prolong these adverse impacts. Predation of eggs and chicks, in particular, is an existing significantly adverse impact as it limits the ability of the site to conserve ground-nesting birds, such as lapwing and redshank which are of high and medium national conservation priority respectively.

61 Furthermore, extending the life of the landfill delays the restoration of the site, thus postponing the date by which habitat creation and increased public access will be delivered.

62 Consequently, should the proposal be permitted, mitigation should include:

- Further support for the nature reserve managers (RSPB) to assist them in managing and reducing the impact of predation on the eggs and chicks of wading birds;
- An amended and binding restoration plan that brings forward, where practical, habitat creation and increased public access.

63 The Council should work with the applicant to help deliver some of the London Regional Biodiversity Action Plan habitat targets for 2020 as set out in Table 7.3 of the London Plan. The proposed London Riverside Conservation is a strategic project in delivery the objectives of the All London Green Grid. This proposal has the ability to help with these projects and should be explored further.

## **Air quality**

64 The continuation of the operations until 2024 will give rise to approximately 5% additional landfill gases over the site's operational lifetime, although the peak landfill gas generation will not change as a result of the proposal. Whilst the Air Quality study undertaken is robust, the assessment does not consider the potential impacts associated with increased nitrogen and acid disposition to the SSSI ecological receptor due to the processes. This matter should be clarified before a stage 2 referral is made. Generally, however, negative impacts will not increase above those currently permitted and when compared to the existing baseline conditions and therefore the impacts of the proposals are considered to be air quality neutral.

## **Noise**

65 The assessment concludes that there will be noise levels generated but these will be similar to the existing noise levels and the noise changes are considered insignificant. In terms of noise impact on the surrounding environment, the proposal does not raise any strategic concerns.

## **Flooding**

66 Given the locality of the site to the River Thames there are areas of potential flood risk since the site falls within flood zones 2 and 3. Flooding has been considered within the Environmental Impact Assessment however the proposal raises no strategic concerns in relation to flooding since the proposal will improve land drainage and reduce water infiltration. The applicant should continue to work with the Environment Agency to maintain low flood risk impacts and to continue to enhance site drainage in the re-profiling of the landfill.

## **Transport for London**

### Access and Highways Impact

67 The access between the site and the TLRN would remain as previously approved in 2009. The impact of the scheme then on highway capacity was considered acceptable and subsequently HGV and other vehicle movements have reduced and thus the proposals remain acceptable.

### Parking

68 It is understood there are currently a total of 54 informal car parking spaces at the site. Given the nature of the uses on the site, London Plan car parking standards for employment uses cannot easily be applied. The applicant is therefore asked to provide justification for this number. The number of spaces for operational vehicles, Blue Badge holders (staff and visitors), motor cycles and Electric Vehicle Charging Points (EVCPs) should be confirmed and this provision should accord with London Plan standards as set out in Table 6.2 of policy 6.13.

### Sustainable Transport

69 National Cycle Network route 13 and part of the London Loop (London Orbital Path) footpath run between Purfleet station and the site. TfL recommends that secure cycle parking facilities are provided in line with London Plan policy 6.13. The current provision of shower facilities is welcomed.

70 TfL recognises that due to the remote nature of the site, levels of sustainable transport use will be low. Therefore, TfL welcomes the applicant's promotion of vehicle sharing and the provision of a minibus service and suggests that staff are also encouraged to consider cycling and walking.

### River transport / Thames River

71 Also, as the site is adjacent to the River Thames, TfL recommends that the applicant considers the use and monitoring of river borne transport of waste to the site, in accordance with London Plan policy 6.14 and increasing the use of the Blue Ribbon Network for freight transport, and in accordance with the conditions as outlined within the Green Travel Plan submitted.

### Summary

72 Overall, TfL has no objections to the principle of the proposed development. However, in order to comply with the transport policies of the London Plan as outlined above, TfL would like clarification regarding the number and type of parking spaces, a commitment to the use and monitoring of river borne transport, and the promotion of sustainable transport travel to work.

## **Local planning authority's position**

73 Havering Council are likely to recommend this proposal for approval subject to consultation and public responses, and satisfactory heads of terms for legal agreement.

## Legal considerations

74 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

75 There are no financial considerations at this stage.

## Conclusion

76 London Plan policies on **waste, biodiversity, air quality, noise, flooding and transport** are relevant to this application are relevant to this application. In general, the application complies with some of these policies but not with others. The reasons for this and the remedies are set out below:

- **Waste:** The application complies with London Plan policy 5.17 'Waste capacity.' It is recommend that no biodegradable waste, such as food or green waste goes to landfill and the applicant should continue to explore river transportation of waste, which should be secured by the Council.
- **Biodiversity:** the applicant should address the various mitigation measures recommended in the biodiversity section of the report. The Council should work with the applicant to help deliver some of the London Regional Biodiversity Action Plan habitat targets for 2020 as set out in Table 7.3 of the London Plan and projects within the Riverside opportunity area as the proposal has the ability to do so.
- **Air Quality:** The applicant is requested to provide clarification with regards to the landfill gas impacts as outlined in paragraph 33.
- **Transport:** The applicant should provide clarification regarding the number and type of parking spaces, a commitment to the use and monitoring of river borne transport, and the promotion of sustainable transport travel to work.

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