

## 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

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. 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.

2 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"*

3 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.

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 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

6 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.

7 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.

8 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.

9 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.

10 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).

11 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.



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.

15 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**

16 The relevant issues and corresponding policies are as follows:

- Waste/minerals *London Plan; the Municipal and Business Waste Management Strategies; PPS10*
- River Thames *London Plan; Mayor's draft Water Strategy*
- Open land *London Plan; East London Green Grid SPG; All London Green Grid SPG*
- Biodiversity *London Plan; the Mayor's Biodiversity Strategy;*
- Air quality *London Plan; the Mayor's Air Quality Strategy;*
- Ambient noise *London Plan; the Mayor's Ambient Noise Strategy;*
- Sustainable development *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*
- Transport *London Plan; the Mayor's Transport Strategy;*
- Parking *London Plan; the Mayor's Transport Strategy*

17 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.

18 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**

19 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.

20 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.

21 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.

22 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.

23 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.

24 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.

25 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**

26 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.

27 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**

28 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.

29 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.

30 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.

31 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.

32 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**

33 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**

34 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**

35 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

36 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

37 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

38 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.

39 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

40 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

41 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**

42 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

43 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

44 There are no financial considerations at this stage.

## Conclusion

45 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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for further information, contact Planning Decisions Unit:

**Colin Wilson, Senior Manager - Planning Decisions**

020 7983 4783 email colin.wilson@london.gov.uk

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email justin.carr@london.gov.uk

**Sukhpreet Khull, Case Officer**

020 7983 4806 email Sukhpreet.khull@london.gov.uk

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