

<p>Reference: 18/00571/CV</p>	<p>Site: Former Mucking landfill site Mucking Wharf Road Stanford Le Hope SS17 0RN</p>
<p>Ward: Stanford Le Hope West</p>	<p>Proposal: Application for the removal or variation of a condition following a grant of planning permission: proposed amendment to condition no. 2 (to allow for the extension of restoration operations until 30th June 2023), no. 20 (to allow for revised water drainage), no. 26 (to allow for revised restoration and aftercare arrangements) and no. 32 (details of remedial measures due to differential settlement etc.) on planning permission ref. 12/00691/CV (Restoration of the former Mucking landfill site).</p>

Plan Number(s):		
Reference	Name	Received
Figure 1	Site Location	21.04.18
Figure 2	Application Site	21.04.18
Figure 3	EWT – Indicative Lease Areas and Proposed Lease Areas	21.04.18
Figure 4	Current Situation	21.04.18
Figure 5	Proposed Remediation Plan	21.04.18
Figure 6	Enhanced Planting Area Soils Requirement	21.04.18
Figure 7	Phasing Plan	21.04.18
Figure 7.3 Rev. A	Flood risk and Surface Water Management Plan	21.04.18
Figure 7.4	Surface Water Management Plan – Drainage Ditch	21.04.18
Figure 8	Heronry Shaw Circular Route	21.04.18
Figure 9	Proposed Final Contour Plan – Comparison With Approved Post Settlement Contours	21.04.18
Figure 10	Comparison of Approved and Revised Post Settlement Contours Cross Sections	21.04.18
Dwg 1 Rev. C	Revised Final Contour Plan (Post Settlement)	21.04.18
Dwg 2 Rev. C	Afteruses Masterplan	21.04.18
Dwg 5.1 Rev. B	Proposed Hard Landscape Works	21.04.18
Dwg 5.2 Rev. B	Proposed Realignment of Access Road	21.04.18
Drawing 6.1 Rev. B	Planting Plan	21.04.18

<p>The application is also accompanied by: Planning Statement with appendices:</p> <ul style="list-style-type: none"> - letter from Essex Wildlife Trust - letter from consultant engineer - photographs and plan showing area prone to flooding along Footpath 147 - Phase 1 Habitat Survey Report - Wintering Bird Survey Report. 	
<p>Applicant: Enovert South Limited and Essex Wildlife Trust</p>	<p>Validated: 26 April 2018</p> <p>Date of expiry: 31 October 2018 (Extension of time agreed with applicant)</p>
<p>Recommendation: Approve, subject to deed of variation under Section 106 of the Town and Country Planning Act 1990 and planning conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

Brief Summary

1.1 This application concerns the former Mucking quarry and landfill site located generally to the north of East Tilbury, east of the East Tilbury to Stanford-le-Hope railway line and south of Mucking Creek. The site has a long history of mineral extraction and waste disposal. Landfilling of the site with waste materials has now ceased. Proposals for the restoration of the site were originally granted in 1986 (ref. THU/806/85) and have been subject to subsequent change. The current planning permission for the restoration and re-use of the site dates from 2013 (ref. 12/00691/CV).

Current Proposal

1.2 The extant planning permission for restoration and re-use of the site (ref. 12/00691/CV) was approved in March 2013 and this consent was issued pursuant to s.73 of the Town and Country Planning Act 1990 (determination of applications to develop land without compliance with conditions previously attached) to vary conditions attached to permission ref. 06/00663/TTGCND.

1.3 This application seeks to vary conditions attached to 12/00691/CV concerning the time period for restoration activities (condition no. 2), revised arrangements for water drainage (condition no. 20), restoration and aftercare arrangements (condition no. 26) and details of remedial measures due to differential settlement (condition no. 32).

- 1.4 The current relevant conditions attached to 12/00691/CV and the proposed amendments are summarised below:

Condition 2:

Currently reads -

“Only inert material required for the approved restoration scheme shall be imported onto the site. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 3a (dated May 2012). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2018.”

Reason: *To enable the Local Planning Authority to retain control over the development and to provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity.”*

- 1.5 The applicant proposes an amendment to condition no. 2 such that restoration, after uses and planting operations are completed by 30 June 2023 (an extension of five years). The reason for this request is to allow the Applicant sufficient time to import soils to complete the full restoration of the site. The volume of material required is approximately 667,000m³. The Applicant states that areas of the site which were restored many years ago are now experiencing differential settlement, which leads to poor surface water drainage. The additional material is therefore partly required to remediate these already restored parts of the site. The Applicant proposes that the condition is amended to read:

“Only inert material required for the approved restoration scheme shall be imported onto the site. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 7 (dated April 2018). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2023.”

- 1.6 Condition 20:

Currently reads -

“From the date of the commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 of the Environmental Statement submitted with application Ref 06/00663/TTGCND, or otherwise agreed in writing by the local planning authority.

Reason: *To be consistent with the PPC Permit BV 3782 and to minimise the risk of pollution to watercourses and aquifers.”*

- 1.7 The Applicant has updated approved Figure 7.3 to take account of the amendments to the post-settlement contour levels (Figure 7.3 Rev. A). Figure 7.4 submitted with the application proposes an additional ditch to address issues resulting in the flooding of sections of public footpath no. 147. The proposed amended condition no. 20 would read:

“From the date of commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 Rev A and Figure 7.4 (dated April 2018), or otherwise agreed in writing by the local planning authority.”

- 1.8 Condition 26:

Currently reads -

“The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specifications set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Development Corporation by letter dated 31st October 2008.

Reason: *For the avoidance of doubt.”*

- 1.9 The current approved drawing for the afteruse masterplan is Dwg 2 Rev. B. Since this drawing was prepared the Essex Wildlife Trust (EWT) has taken responsibility for the management of c.93 hectares of the site. The Trust obtained planning permission for the construction of a visitor centre building in 2010 (ref. 10/50139/TTGFUL) and subsequent amendments to this permission influenced the approved afteruses masterplan. The Applicant has submitted a composite plan with this application which incorporates the changes resulting from the visitor centre building permission and includes the following additional amendments:

- amendments to approved footpath arrangements;
- provision of a circular walk around Heronry Shaw, with associated additional car park and picnic area;
- revised location of woodland planting area;
- addition of a wild bird cover crop area to provide food for over-wintering birds; and
- additional internal road linking main entrance to visitor centre.

- 1.10 It is proposed that condition is amended to read:

“The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specification set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Development Corporation by letter dated 31st October 2008 as updated by Drawing 2 Rev C and approved [DATE].”

1.11 Condition 32:

Currently reads -

“The operator shall submit for the written approval of the Local Planning Authority details of remedial measures to be undertaken due to differential settlement, poor drainage or due to such other conditions adverse to the proposed after uses or posing a risk to the environment as may be notified to the operator in writing by the Local Planning Authority, and shall implement the measures as agreed.

Reason: *For the avoidance of doubt as to the nature and extend of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.”*

- 1.12 Due to the differential settlement of existing restoration material on parts of the site the Applicant proposes remedial works over a total area of c.79 Ha. Within this total area works will be limited to the localised infilling of low areas. It is estimated that 492,000m³ of material is required to complete this operation which will take five years. The wording of the existing condition would remain unchanged as the current submission provides details of the updated remedial measures.
- 1.13 In order to achieve the remedial measures and the amended restoration scheme c.667,000m³ of additional material would be imported to the site, with c.492,000m³ to complete the remedial measures and c.175,000m³ to complete the amended afteruses masterplan. It is emphasised that the landfilling of waste ceased on-site some years ago and that the site has been ‘capped’ in accordance with the requirements of the planning permission and the Environmental Permit. Deliveries of material to the site by road have ceased and the river jetty has been, and would be used, for the importation of materials. Barges delivering to the site can only access the jetty at high tide and material is transferred from barge to dump trucks via gantry crane. Proposed operations would continue in accordance with the existing permitted hours 0700-1800 Mondays to Fridays and 0700-1300 on Saturdays, although the jetties are permitted to operate outside of these hours. Each barge delivers c.1,000 tonnes of material and the jetty can accept two barges. The jetty accommodates c.41 deliveries per month.

2.0 SITE DESCRIPTION

- 2.1 The application site totals some 319 hectares in area and generally lies to the south of Mucking Creek, east of the railway line, north of East Tilbury and adjacent to the River Thames.
- 2.2 Within the northern part of the site the EWT has built a visitor centre which, together with the northern part of the restored landfill site (c. 93 Ha in area) is now open to the public. In the west there is a large area of flooded workings (Heronry Shaw) which has developed as an ecological area. Close by is a power generating station which uses the landfill gas produced by the buried waste to generate electricity that is then exported to the grid. It is expected that the landfill gas, which would otherwise escape to the atmosphere and contribute to global warming, will continue to be produced for the next c.30 years.
- 2.3 The western boundary is formed by the East Tilbury to Stanford-le-Hope railway and beyond that are the settlements of Linford and to the south, East Tilbury. The northern boundary of the site is formed by Mucking Creek and further to the north are flooded workings which are used for angling and have nature conservation value. To the north east is "Area A" (now known as Stanford Wharf Nature Area) which was subject to a "managed retreat" project to provide compensatory habitat for the formation of the London Gateway Port.
- 2.4 Vehicular access to the site is from the north via Mucking Wharf Road. A public footpath (no.147) bounds the southern boundary of the site.

3.0 RELEVANT HISTORY

- 3.1 The application site has a long and complex planning history associated with former mineral extraction and landfilling operations. The site was originally low lying marshland which was commercially worked for sand and gravel from the 1920's. The land was Thames marshland and only a few metres above sea level. From approximately the 1950's the site was used for landfilling with waste and it is estimated that some 20 million tonnes of waste has been deposited on the site.
- 3.2 In 1986 Essex County Council granted planning permission (Ref: THU/806/85) to Cory Sand and Ballast Company for alterations to approved general restoration levels. Permission was granted subject to nine conditions. The conditions were later amended and the permission appears to have envisaged an end to the operation in either 2001 or 2002. In 1999 Cory Environmental Limited applied to amend five of the conditions. The application would have extended the life of the tip, increased the levels of the resultant landform and provided a restoration scheme. Following a failure to determine the application within the statutory time limit, an appeal was lodged. The Secretary of State accepted the Inspector's

recommendation and allowed the appeal following a unilateral undertaking which largely related to the phasing, details and funding of a country park as part of the restoration programme. The consent to vary the 1986 permission allowed a longer period of landfill until 31 December 2007 with restoration to be completed by 31 December 2008. Subsequent permissions have extended the time period within both landfilling and restoration should be completed.

3.3 The relevant planning history is summarised in the table below:

Reference	Description of Proposal	Decision
THU/806/85	Alterations of restoration levels	Approved
THU/673/89	Plant to produce electricity from landfill gas	Approved
99/00703/FUL	Revised restoration and after use scheme	Refused – Appeal Allowed
99/00234/FUL	Installation of gas utilisation facility within compound to generate electricity	Approved until 26.07.2003
06/00663/TTGCND	Variation of conditions to extend period for waste deposit and amended restoration	Approved subject to S106
06/00664/TTGCND	Duplicate to 06/00663/TTGCND	Withdrawn
06/01114/TTGCND	Variation to S106 Obligation	Withdrawn
09/00108/TTGCND	Variation of THU/824/88 to allow use of jetty for the handling of restoration materials	Approved
10/50139/TTGFUL	Erection of Visitor Centre	Approved
10/50115/TTGCND	Variation of time condition on THU/673/89 relating to installation of power generating plant	Approved
10/50173/TTGFUL	Installation of 3 generators	Approved
10/50229/TTGFUL	Amend alignment of access road and position of visitor centre	Approved
11/50267/TTGNMA	Non-Material Amendment to After Use Scheme	Approved
11/50280/TTGNMA	Non-Material Amendment to Visitor Centre	Approved
11/50393/TTGCND	Continued use of the Old Rectory as site offices	Approved
11/50394/TTGCND	Continued use of Old Farm Cottage as offices	Approved
11/50297/TTGCND	Variation of Conditions 2,4 and 14 of permission Ref 06/00663/TTGCND	Refused

12/00805/FUL	Retention of security compound, site office, welfare building etc	Approved
12/00691/CV	Variation of conditions 2, 4, 7 and 14 to enable the site to be restored to the approved after uses within an extended period of time.	Approved
18/01180/NMA	Non material amendments to planning permission 12/00691/CV . To change the habitat from grassland to a specialist invertebrate habitat.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

PUBLICITY:

4.2 This application has been advertised by way of 221 individual neighbour notification letters, press advert and public site notices. The application has been advertised as a major development and as accompanied by an Environmental Statement. One representation has been received from Mucking Charitable Trust expressing concern and frustration about the submission of this application and the delay in delivering the final afteruses. The Trust asks the local planning authority to consider:

- availability of restoration materials;
- the use of rigid planning conditions and penalties / sanctions;
- further s106 obligations for local amenity;
- Enforcement of planning conditions.

4.3 The following consultation responses have been received.

4.4 ENVIRONMENTAL HEALTH OFFICER:

No objections.

4.5 PORT OF LONDON AUTHORITY:

No objections.

4.6 ENVIRONMENT AGENCY:

No comments.

4.7 NATURAL ENGLAND:

No comments.

4.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

5.0 POLICY CONTEXT

5.1 National Planning Guidance

National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018 and sets out the Government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development;
4. Decision making;
9. Promoting sustainable transport;
13. Protecting Green Belt land; and
15. Conserving and enhancing the natural environment.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 51 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Determining a planning application;

- Environmental Impact Assessment;
- Land affected by contamination;
- Natural environment;
- Open space, sports and recreation facilities, public rights of way and local green space; and
- Use of planning conditions.

5.2 **Local Planning Policy**

Thurrock Local Development Framework (2015)

The Core Strategy and Policies for Management of Development (as amended) was adopted by the Council in January 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP19 (Green Infrastructure)
- CSTP20 (Open Space)

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)

5.3 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

5.4 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent(s) unaffected. Accordingly, if the current application is approved both the original consents (THU/806/85, 99/00703/FUL, 06/00663/TTGCND and 12/00691/CV) and the current proposal (18/00571/CV) would comprise 'self-contained' planning permissions, although the latter permission can be assumed to represent the more 'up to date' consent. When considering an application under s.73, the Council as local planning authority should consider matters related to the conditions only and not the planning permission itself.

6.2 The main issues for consideration in this case are:

- I. Planning background
- II. Policy context
- III. Proposed extension of time and revised restoration scheme
- IV. Transportation matters
- V. Amenity considerations
- VI. Matters raised by third parties

I. PLANNING BACKGROUND

6.3 In 2007 the former Thurrock Development Corporation approved an application (ref. 06/00663/TTGCND) to vary the terms of a planning permission for a revised restoration and after use scheme (ref. 99/00703/FUL) which was granted on appeal. This 2007 permission had the effect of allowing the following:

- the deposit of household waste until December 2010;
- the restoration of the site by December 2011; and
- an enhanced after use scheme.

The deposit of household waste on site ceased in December 2010 and only restoration materials have been imported since then.

- 6.4 In April 2011, an application (ref. 11/50297/TTGCND) was submitted to the former Thurrock Development Corporation to vary a number of the conditions attached to the planning permission (as amended) which would have had the effect of:
- increasing the HGV movements delivering restoration materials to up to 240 per working day (120 in and 120 out); and
 - completing the total restoration by 2016.

In January 2012 this application was refused for reasons relating to impact from increased HGV movements on residential amenity.

- 6.5 A subsequent application (ref. 12/00691/CV) submitted pursuant to s.73 of the Town and Country Planning Act 1990 sought permission to vary planning conditions relating to approved plans, phasing, the permitted hours of operations and the number of vehicle movements. This application was considered by Planning Committee in 2012 and approved in March 2013 following the completion of a legal agreement. Permission ref. 12/00691/CV is the extant planning permission for the restoration and afteruse of the site and includes planning conditions addressing, inter-alia, the following relevant matters:

- site restoration, afteruses and planting to be completed by 30 June 2018; and
- movements of large goods vehicles to and from the site associated with the importation of restoration materials, engineering materials and inert waste to cease on 31 December 2016.

II. POLICY CONTEXT

- 6.6 The site lies within the Green Belt and the historic proposal to use the site for the deposit of household waste would probably been regarded as inappropriate development. However, at the time there were considered to be very special circumstances which warranted approval being granted. It was always intended that the site would be restored with an appropriate after use and conditions were imposed to secure this outcome. No household waste has been deposited since December 2010 and only restoration works have been carried out since this time. These restoration works comprise engineering operations which will seal the waste with an impermeable membrane, provide a protective buffer for the membrane and ultimately provide a base for planting and specialist wildlife habitats which will support the after use as a nature park. Paragraph 146 of the NPPF does not regard engineering operations as “inappropriate” development within the Green Belt provided those operations preserve openness and do not conflict with the purposes of including land in the Green Belt. With regard to the potential impact on openness, although additional material would be imported to the site the maximum height of the restored landform would remain unchanged from the current consent. The proposed localised amendments to the topography of the final land-form would

be minor compared to the area of the site and are considered to be of negligible significance. The effect of the proposed changes on the openness of the Green Belt would be minor. It is not considered that the proposed amendments would conflict with the purposes of including land in a Green Belt, i.e. the proposals would have no impact on the purposes of:

- checking the unrestricted sprawl of large built-up areas;
- preventing neighbouring towns from merging into one another;
- assisting in safeguarding the countryside from encroachment;
- preserving the setting and special character of historic towns; and
- assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

It is considered that the proposed after use of the site as a nature park would clearly be appropriate. Indeed, the proposed after use would satisfy comply with paragraph 141 of the NPPF which identifies the beneficial uses of the Green Belt including, inter-alia, providing recreation opportunities and improving damaged or derelict land.

III. PROPOSED EXTENSION OF TIME AND REVISED RESTORATION SCHEME

6.7 As noted above, the principal factor behind the submission of this application relates to remedial measures required to address differential settlement within existing restoration material, which in turn affects site drainage and other environmental factors (leachate and the capture of landfill gas). The remedial measures involve an area of c.79 Ha within the centre-eastern and south-eastern area of the site. As noted above, a condition of the extant planning permission requires completion of the restoration and afteruses by 30 June 2018. However, the applicant seeks a five-year extension to operations to allow enough time to import sufficient material. The applicant estimates that c.667,000 cubic metres of material is required. The applicant confirms that c.135,000 cubic metres were brought to the site in 2017 (all by river) at an average of 11,250 cubic metres per month. Assuming a similar delivery rate, the proposed five year extension would equate to 675,000 cubic metres of material, close to the applicant's estimate of 667,000 cubic metres.

6.8 In summary the remedial measures are required to address areas of localised differential settlement, ensure sufficient gradients for drainage and improve drainage ditches to reduce off-site flooding.

6.9 Differential Settlement

Members of the Planning Committee may be aware that differential settlement is an issue commonly affecting landfill sites and results in localised depressions in the

surface leading to the formation of ponds. This in turn can influence surface water drainage, water penetration into the landfill and production of leachates. Condition no. 32 of the extant permission envisages the potential issues of differential settlement and poor drainage and allows for the submission and approval of remedial measures where this occurs. The Applicant's submission identifies the localised areas where remediation is required and proposes, on a phased basis, revised contours and sections to address the settlement issue.

6.10 Drainage Gradients

Within the remediation area the Applicant has identified areas where existing gradients are very shallow (i.e. between 1 in 30 and 1 in 100). In association with the areas of differential settlement, where levels are below approved restoration levels, this results in sub-optimal drainage gradients. In turn, this can lead to surface water ponding. The proposed importation of material is therefore required to create the contours necessary to drain surface water to watercourses adjacent to the site (i.e. Mucking Creek to the north, Heronry Shaw to the west, Gobions End stream to the south-west and Gobions End pond to the south).

6.11 Off-Site Flooding

Public footpath no. 147 adjoins the southern boundary of the site and follows an east-west alignment linking East Tilbury with the River Thames. However, a section of this path c.200m in length is prone to flooding. A visit to the site in mid-June 2018 revealed that this section of path was only passable with care. The remedial measures therefore propose an additional drainage ditch within the site and parallel to the alignment of the footpath.

6.12 The Applicant has provided a case to state that these remedial works are required and need to be undertaken now. It is argued by the Applicant that completing the works now will reduce the chances that the affected areas will require further remediation at a later date, which could involve disruption to the nature park and associated habitats. The Applicant points out that a planning condition requires removal of the river jetty once restoration is complete and therefore if unforeseen remediation is required in the future, material would need to be imported by road. Consequently, it is desirable to undertake the remedial measures now in order to minimise the risk that additional remedial measures will be required in the future.

6.13 As additional material is required to address the issues identified above it is inevitable that an extension to the time period for restoring the site is sought by the Applicant. Condition no. 4 of the extant permission requires that deliveries of materials by road cease on 31 December 2016 and since this time all restoration and engineering materials have been barged to the site via the river jetty. It is

unfortunate that further time is required to restore the site, as this also delays the delivery of the future end-use as a nature park in its totality. However, delivery of materials by road will have inevitable impacts on the local highway and surrounding amenity, notwithstanding the restriction imposed by condition no. 4. As an aside, delivery by road to the site averaged 105,000 cubic metres per annum between 2012 and 2015, less than the 135,000 cubic metres delivered by barge in 2017. Therefore delivery by river is the only available option. The size of barge which can access the jetty at high tide only is limited to c.1,000 tonnes and only two barges can access the jetty. On this basis the remediation measures cannot be progressed earlier than within a five-year timeframe.

IV. TRANSPORTATION MATTERS

- 6.14 When the earlier planning submissions for the site were considered in 2007 and 2012 representations were received objecting to the proposals for reasons including the impact of lorry movements on the highway and local amenity. As noted above, condition no. 4 of the extant planning permission (12/00691/CV) limited the number of lorry movements and crucially required all deliveries of restoration and engineering materials by road to cease on 31 December 2016. For reference, this condition limited lorry movements (two-way) to no more than 160 on any working day (Mon-Fri only between the hours of 0700-1800). Again for reference between 2012 and the end of 2016 c.105,000 cubic metres of material was delivered to the site per annum by road. Since 1 January 2017 all restoration and engineering materials have been delivered by river barge.
- 6.15 The use of river transport is considered to be a sustainable method of bringing materials to the site and is generally encouraged by Core Strategy policy PMD11 (Freight Movement), which aims to facilitate freight movement in a sustainable way. The current proposals involve no changes to the existing arrangements for bringing materials to the site. Accordingly, there would be no impact on the surrounding road network.

V. AMENITY CONSIDERATIONS

- 6.16 The engineering operations associated with the proposed remedial works would be carried out some distance from residential properties. Dwellings at Colne, East Tilbury are a minimum of c.500m to the south-west of the remediation area and residential occupiers in Mucking Wharf Road to the north are located c.370m from the northern edge of the remediation area. Extant planning conditions limit the hours of operation on-site and compliance with dust control measures. These conditions can be re-imposed on any s.73 approval.

6.17 No objections have been raised by the Council's Environmental Health Officer and, subject to conditions, there are no objections on the grounds of impact on residential amenity.

VI. MATTERS RAISED BY THIRD PARTIES

6.18 A representation has been received from the Mucking Charitable Trust. In summary, the representation expresses concern and frustration about the submission of this application and the delay in delivering the final afteruse for a nature park. The Trust asks the local planning authority to consider:

- availability of restoration materials;
- the use of rigid planning conditions and penalties / sanctions;
- further s106 obligations for local amenity;
- enforcement of planning conditions.

6.19 For information, the Trust's aims and activities, as stated on the Charity commission website, are *"the promotion for the benefit of the of the public the protection, improvement and maintenance of the environment, primarily but not exclusively through the management and maintenance of the area known as Thurrock Thameside Nature Park ..."*.

6.20 In essence, the Trust are disappointed that more restored land has not been made available as part of the nature park and specifically ask the Planning Committee to consider the following points:

- the Trust consider that ample restoration material is available but has not been procured by the applicant;
- query whether a supply chain for restoration material can be enforced by the Council;
- consideration should be given to a new legal agreement for further amenity improvements; and
- guidance on the full range of possible enforcement and planning condition options should be presented to Committee.

6.21 However, it should be noted that the Essex Wildlife Trust (EWT) are the joint applicant in this case and, as noted at paragraph 1.9 above, the EWT has taken responsibility for the management of c.93 hectares of the northern part of the site. The EWT opened its visitor centre building in 2012 and the nature park attracted c.136,000 visitors in 2017. The EWT has sent is a letter in support of the application, and as the EWT are joint applicant this letter is reproduced in full as follows:

"EWT fully supports this joint application for a 5-year soil extension and material

amendment as part of the restoration plan at Mucking (Thurrock Thameside Nature Park). We feel it will benefit not only the visitors to the Nature Park, but the wildlife of the site, providing additional protection on a landfill site. Essex Wildlife Trust and Enover have been working on a joint master plan for the site which will support the development and access to the site. We have a commitment to a leasing programme which includes large areas for EWT to manage once the associated restoration works are complete. The first phase will include the main entrance, road and access to the Heronry Shaw lakes with a new car park area for the public to access. This will provide greater access and a further hub/sheltered area for the public to use. In addition, additional soils will limit risks associated with landfill and provide a safer environment for visitors and staff managing the site. The updated masterplan provides the following:

- *Upgraded footpaths providing better access all year round for public and widened to take emergency vehicles, if required.*
- *Large area of open grassland left for wildlife to flourish, so that dogs and people do not disturb the habitat or wildlife.*
- *Revised fence plan which considers grazing, new woodland and a coastal walk.*
- *A relocation of additional woodland planting area adding to the mosaic of habitats on the site and providing a further habitat for birds.*
- *Education area for outside activities.*
- *Wild bird crop cover area providing 19 declining farmland bird species a vital food source especially over the winter periods.*
- *Heronry Shaw lakes circular walk and associated car park.*

Zoned areas:

Upgraded Paths:

As part of a consultation exercise and having an operational presence on site, it has become apparent that the footpaths need to be realigned with a coastal walk and upgraded to take emergency vehicles requiring access to the site. The previous master plan did not take this into account and some of the paths were temporary mowed, for summer-use only. The new plan will ensure that the paths will be accessible all year.

Grazing in two sections:

Dedicated grazing areas will allow the grassland to be naturally managed with public controlled areas so there is less disturbance to the habitat and grazing. The park allows dogs to be walked and this has been considered when designing the public access areas and footpaths. The cattle will roam freely on the site with a stock fence around the perimeter.

Woodland area:

The site will have a wonderful mosaic of different habitats and an area has been identified for a woodland on the East side with a woodland path, thus providing

additional and much needed shelter for the site. This woodland will link in with Stanford Warren's wooded area. Access routes through the woodland will provide a route for the invertebrates that travel across the site.

Education area:

A safe and secure area has been identified for the education area where a pond has already been developed to assist with pond dipping activities. Along with the current ablution block, parking and easy access, this will make a great addition to the site. The original master plan allocated pond and children's activities in and around the yard area which is now considered a non-safe environment for these types of activities.

Wintering Crop area:

There is a wonderful opportunity to provide an over-winter wild bird cover as part of the restoration plan which will support the declining population of farmland birds in the Thurrock area. We envisage this area in the future becoming a wildlife spectacle where visitors can witness large flocks of birds feeding in or around the wild bird crop area.

Additional lake car park:

The new entrance to the site will provide the visitor a choice to either visit the current visitor centre site (North) or travel South towards the lakes. Visitors by car will be encouraged to use the new car park which is strategically placed for access and will link to a safe, sheltered picnic area for everyone to use. It will have views over the lake and provide another aspect of the site for the visitors to enjoy. A vehicle barrier will be in place to stop visitors driving round to the gas plant on site.

Additional Soils:

Alongside ensuring the sustainability of the landfill capping layer and reducing the long-term environmental impact of the landfill site (through the reduction in the amount of leachate generated), the additional soils will limit the risk to exposing landfill or coming into conflict with the subsurface landfill infrastructure during its management or cultivation of the site. Areas which have been identified for additional soils will provide more protection for the staff and visitors to the site.

In summary, EWT and Enover believe that we have a combined revised master plan that will deliver a nature park that will have a mosaic of habitats for visitor and wildlife to experience as well as providing a site that is developed and managed strategically, whilst conserving the land for wildlife".

- 6.22 Returning to the points raised by Mucking Charitable Trust, the applicant seeks the importation of further restoration material to address differential settlement. This material is in addition to the previous estimates of the volumes required to restore

the site. In considering this s.73 submission National Planning Practice Guidance (PPG) makes clear that a local planning authority must only consider the conditions that are the subject of the application and cannot consider the application afresh. PPG also confirms that in granting permission under section 73 the local planning authority may impose new conditions only where the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. It is considered that the Charitable Trust's suggestion for control of the supply chain of restoration material by condition would be unreasonable.

- 6.23 On the matter of the enforceability of extant planning conditions, internal legal advice was sought and presented to Planning Committee in 2012. The relevant extracts are as follows:

“Statutory Background

Following the Stevens Committee on Planning Control over Mineral Working(1976), the Town and Country Planning (Minerals) Act 1981 gave statutory power to mineral planning authorities, where planning permission is granted subject to a restoration condition, also to impose an “aftercare condition”. Aftercare may also be secured by the imposition of a condition in the planning permission requiring the subsequent approval of an aftercare scheme. A restoration condition secures that any or all of subsoil, topsoil and soil making materials are replaced after the completion of the mineral working and the site contoured in an appropriate manner. An aftercare condition imposes an obligation to bring the land back to a required standard where the land is to be restored to agricultural, forestry or amenity use.

There are two separate Schedules of the Town and Country Planning Act 1990 devoted to minerals – Schedule 5 and 9 -and there are separate Mineral Regulations which treat mineral development as a use of land. The Mineral Regulations do not apply to the winning and working of minerals in connection with agriculture. All conditions of the grant of a minerals permission, including restoration and associated planning conditions, are subject to periodic review under the Environment Act 1995 Schedule 14.

Where a planning authority revokes or modifies planning permission compensation becomes payable. In respect of mineral permissions, the Act authorised regulations by the Secretary of State reducing the amount of compensation where the authority revoke or modify a mineral permission: The Town and Country Planning (Compensation on Mineral Working and Mineral Waste Depositing) Regulations 1997 are now in force.

Section 106 Agreements and financial guarantees in respect of aftercare conditions are often negotiated - as was the case in the Mucking Site. The Technical

Guidance to NPPF states that it is reasonable in exceptional cases (such as very long-term projects) for planning authorities to seek financial guarantees covering restoration in certain circumstances. The Guidance emphasises (paragraph 49) that no payment of money or other consideration can be required when granting planning permission except where there is statutory authority.

Application Background

The application is made under Section 73, and is not a full application. In considering such an application, the planning authority can only consider the question of conditions: it may only impose new conditions which could lawfully have been imposed on the full permission, and do not rewrite or fundamentally alter the scheme.

Expediency of Enforcement

The Section 106 Agreement of 16 May 2007 contains a clause (4.8.2) which provided for a payment of £5,000 towards their costs of monitoring compliance with the Agreement. The following sub-clause 4.8.3 provides:

"If the Development Corporation considers both that there has been a breach of this Agreement and that it is appropriate to take enforcement action to secure compliance herewith then the reasonable costs of taking such action shall be recoverable from the Owner as a debt"

The statutory remedies in Section 106 are

- (i) enforcement by injunction (Section 106(5));and*
- (ii) if there is a breach of an obligation to carry out any operations in, on, under or over the land to which the obligation relates, the authority may, after giving not less than 21 days' notice in writing*
 - (a) enter the land and carry out the operations; and*
 - (b) recover from the person or persons against whom the obligation is enforceable any expenses reasonably incurred by them in doing so.*

The waste licence is held by Cory (now Enovert) from The Environment Agency. The scale of the operations makes the theoretical option of direct enforcement under the Section 106 Agreement by the Council (in whom the enforcement power is now vested) wholly impractical.

The Council as planning authority has a discretionary power to take action where it appears that there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations (Section 172). The potential breach of planning control (in this case would relate to condition no. 2 of 12/00691/CV which requires completion of the restoration and afteruses by 30 June 2018). It is not considered

that a Breach of Condition Notice would be appropriate in this case. An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly the purposes of (a) remedying the breach or remedying any injury to amenity caused by the breach (Section 174 (3) and (4)).

There is a right of appeal against an enforcement notice. Thurrock Council allow contravenors, where practicable, a reasonable opportunity to remedy a breach, and an enforcement notice is a measure of last resort. There is a right of appeal against an enforcement notice, and the expense of an appeal should be avoided unless there is a compelling case for issuing an enforcement notice, the contravenor is not taking the opportunity to remedy the breach of control, and it is considered expedient to issue the notice. The Courts have held that expediency in Section 172 must be considered in a planning context. It is not considered that there are grounds to justify refusal of the application and subsequent enforcement.

Phased permissions

It has been suggested that the application be approved for one year only and that an annual target be set. If the target is not met then it is suggested that further permissions for future years might be withheld or some form of financial penalty be imposed. The Council is required to determine the application before it. As explained above the application is to vary a condition relating to timing ... The ultimate aim of the permission is to secure the restoration of the site and that element of the permission would remain in place however the Council determines this application. The above course of action would actively frustrate the completion of the consented scheme and would be regarded as, in effect, a refusal of the application which could be appealed. It is not the purpose of the planning system to apply conditions which impose financial sanctions”.

It is considered that the above legal advice is still relevant and responds to the comments from the Mucking Charitable Trust regarding enforcement of planning conditions and the potential for ‘fresh’ conditions.

OTHER MATTERS: ENVIRONMENTAL STATEMENT

- 6.24 The original planning application was supported by an Environmental Statement (ES) which was taken into account by the Thurrock Development Corporation in granting planning permission ref. 06/00663/TTGCND. The current application has the effect of providing the same development as approved but over a longer time frame. It is considered that given the scale and nature of the development already delivered, the ES, as submitted, is still pertinent and does not need to be supplemented by additional information. In coming to its view on this application the Council has taken account of the information contained in the ES. The Council is satisfied that having considered the views of statutory consultees including the

Environment Agency and Natural England and, subject to the terms of the planning permission being complied with, the development may proceed without causing significant environmental impacts which not already been assessed.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION:

- 7.1 Landfilling of waste materials at the site has ceased and the landfill layer has been capped. The importation of the restoration and engineering materials required to restore the site and enable the afteruse as a nature park is ongoing. The existing planning permission requires completion of the restoration by 30 June 2018. However, the applicant has identified areas of the site where earlier restoration material has experienced differential settlement. This leads to problems with surface water drainage and potential generation of leachate and could compromise the future mature park habitat. The applicant seeks to amend planning conditions to address this issue as well as updating the details of the final afteruse and addressing an off-site flooding issue. Additional material is required to address the settlement and drainage issues which unfortunately adds delay to the restoration programme.
- 7.2 It is considered that a failure to complete the restoration to the correct technical specification is not tenable. Clearly, it is disappointing that the restoration will not be fully completed within the timetable originally proposed, although the timetables for ceasing both the deposit of household waste and deliveries by road have been complied with.
- 7.3 It is notable that the EWT are the joint applicant for the current application and that a letter supporting the proposals has been submitted by EWT.
- 7.4 Planning Committee also needs to consider the fall-back position should the current application be rejected. If the application is refused then there is breach of planning control regarding condition no.2 of planning permission ref. 12/00691/CV. The Council would then need to determine whether or not it is expedient to take planning enforcement action. If the Council did serve an enforcement notice it would need to specify how the breach would be remedied. In this case the breach of control would be the failure to complete the approved restoration scheme by the specified date and the remedy would be that which the applicant, effectively, is seeking to achieve, i.e. the completion of the restoration.
- 7.5 The original planning permission was granted subject to a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990. If the Committee is minded to approve the application it will be necessary to enter into a deed of variation to tie the remaining operational obligations. It is also necessary to re-impose certain conditions from the original permission which are still of relevance.

8.0 RECOMMENDATION

8.1 APPROVE the application, subject to:

A a deed of variation under Section 106 of the Town and Country Planning Act be first entered into to secure the following -

- Remaining operational requirements of the existing Section 106 planning obligation.

B the following planning conditions -

1. The development hereby permitted shall be carried out in complete accordance with the details submitted by way of the application and accompanying Environmental Statement, together with the application plans numbered:

<u>Plan No.</u>	<u>Date</u>
Figure 1 – Site Location	11.04.18
Figure 2 – Application Site	18.04.18
Figure 3 – EWT Indicative Lease Areas and Proposed Lease Areas	19.04.18
Figure 4 – Current Situation	11.04.18
Figure 5 – Proposed Remediation Plan-	11.04.18
Figure 6 – Enhanced Planting Area Soils Requirement	11.04.18
Figure 7 – Phasing Plan	11.04.18
Figure 7.3 Rev. A – Flood Risk and Surface Water Management Plan	17.04.18
Figure 7.4 – Surface Water Management Plan – Drainage Ditch	19.04.18
Figure 8 – Heronry Shaw Circular Route	11.04.18
Figure 9 – Proposed Final Contour Plan – Comparison With Approved Post Settlement Contours	11.04.18
Figure 10 – Comparison of Approved and Revised Post Settlement Contours Cross Sections	11.04.18
Dwg 1 Rev. C – Revised Final Contour Plan (Post Settlement)	13.04.18
Dwg 2 Rev. C – Afteruses Masterplan	18.04.18
Dwg 5.1 Rev. B – Proposed Hard Landscape Works	17.04.18
Dwg 5.2 Rev. B – Proposed Realignment of Access Road	17.04.18
Drawing 6.1 Rev. B – Planting Plan	17.04.18

Reason: For the avoidance of doubt as to the nature of the development and to ensure that the development is carried out in an orderly manner which will

safeguard the amenity of the area, protect the adjoining land uses and result in an eventual return of the land to a satisfactory and beneficial use.

2. Only inert material required for the approved restoration scheme shall be imported onto the site. All deliveries of restoration materials to the site shall be by river via the existing jetty. The phasing sequence of restoration operations shall be in accordance with the sequences shown in Figure 7 (dated 11.04.18). All restoration, after uses and planting operations, other than aftercare, shall be completed on or before 30 June 2023.

Reason: To enable the local planning authority to retain control over the development and to provide for the completion and progressive restoration of the site within the approved timescale in the interests of amenity.

3. All operations authorised, required or associated with the development hereby permitted (with the exception of the use of the jetty handling unloading facility granted planning permission under reference THU/676/83, THU/824/88 and 09/00108/TTGCND) shall only be carried out between the following times:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturday

And at no other time or on Sundays, public holidays or bank holidays unless agreed in writing beforehand with the local planning authority.

Reason: In the interests of highways safety, to protect the amenities of local residents and in the interests of amenity generally.

4. Condition deleted.
5. Condition deleted.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no building, structure, or fixed plant or fixed machinery, except as existing or as detailed in the scheme approved under condition no. 2 above shall be erected, extended installed or replaced and no skips shall be stored anywhere on the application site without the prior written consent of the local planning authority.

Reason: To enable the local planning authority to control adequately the development and to minimise its impact on the amenities of the local area.

7. Unless the local planning authority otherwise agree in writing, any building other than Mucking Hall, Crown House, Crown Cottages, Golden Gate Cottage, Hall

Farm Cottage and Mucking Hall Farm, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted, shall be removed from the site when they are respectively no longer required for the purpose for which they were installed, in any case not later than six months before the completion of restoration of the site and upon their removal, the land shall be restored in accordance with the agreed restoration scheme.

Reason: To enable the local planning authority to retain control of the development and to ensure that the land is restored to a condition capable of beneficial use.

8. Notwithstanding condition 7 of this permission, the leachate management, monitoring and treatment facilities shall remain until no longer required, and the gas utilisation plant management and monitoring facilities shall remain until that time period specified in condition 2 of THU/673/89 or condition 2 of THU/99/00234/FUL (or as amended by any approved variation or substitution of that condition/planning permission). Upon their removal, the land shall be restored in accordance with the agreed restoration scheme or, as in the case of the gas utilisation plant, in accordance with the requirements of condition 3 of THU/99/00234/FUL.

Reason: To enable the local authority to control the development and to ensure that the land is restored to a condition capable of beneficial use.

9. A copy of the terms of the planning permission, including all documents and plans hereby permitted and any documents subsequently approved in accordance with this permission, shall be on site during working hours, shall be displayed at the site office during the period the site office is permitted at the site and shall be known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that all employees may readily make themselves aware of the requirements of this permission to ensure the orderly operation of the site.

10. All ingress to the landfill site from the public highway by goods vehicles over 3.5 tonnes shall be from Mucking Wharf Road.

Reason: In the interests of highway safety and safeguarding the local environment.

11. No commercial vehicle shall exit the site onto the public highway unless the wheels and its under-chassis are clean to prevent material being deposited on the highway.

Reason: In the interests of highway safety and the amenities of the area.

12. The access road for a distance of 400 metres from the public highway shall be metalled, maintained and kept free of mud and detritus by cleaning as often as is necessary to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety.

13. A sign, the details of which shall be submitted to, and approved in writing by, the local planning authority, shall be erected within one week of the commencement of the development and maintained in a prominent position at the site exit, advising drivers of vehicle routes agreed with the local planning authority.

Reason: In the interests of highway safety and the amenity of the area.

14. No large goods vehicle in excess of 3.5 tonnes shall enter the site unsheeted.

Reason: In the interests of highway safety and safeguarding the local environment.

15. Prior to the commencement of each phase, a "soil" scheme for the handling, storage and placement of soil making materials in that phase shall be submitted to, and approved in writing by, the local planning authority. The scheme shall comprise:

- (a) A scheme for the stripping, storage, classification and placement of restoration materials to be used;
- (b) The areas to be used to store imported soils or soil substitutes for each phase, and,
- (c) The planning and duration of stripping, storage and placement operations including the periods during which temporary bunds and stockpiles will be present on different parts of the site.

All topsoil, subsoil and soil making materials shall be retained on site. All soil handling shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: To protect amenity, to maximise the beneficial use of on-site material and to aid the final restoration of the site.

16. Plant and vehicle movements shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

17. All bunds of restoration materials intended to remain in situ for more than six months shall be seeded with a seed mixture using application rates as agreed in

writing with the local planning authority, no less than one month before it is expected to complete formation of the storage bunds.

Reason: To minimise the impact of the development of the locality.

18. Storage bunds shall not exceed 5 metres in height.

Reason: To protect amenity.

19. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surround and bunded to at least 110% of the tank/drums capacity with a sealed sump within the bunded area or shall be placed in suitably designed mobile equipment to prevent direct discharge to any water course, land or underground strata. All fill, draw and overflow pipes shall be within the bunded area.

Reason: To minimise the risk of pollution to watercourses and aquifers.

20. From the date of commencement of development, the scheme for dealing with water drainage from the site, during and after operations, shall be implemented in accordance with the details shown on Figure 7.3 Rev A and Figure 7.4 (dated 17.04.18 and 19.04.18), or otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

21. Condition deleted.

22. Details of the measures and equipment on the surface of the site installed for the management and control of leachate shall be submitted to, and approved in writing by, the local planning authority prior to installation.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

23. The scheme for the control and suppression of dust emissions from the site approved by the Thurrock Development Corporation by letter dated 21 December 2007 shall continue in operation until the development is completed.

Reason: In the interests of residential amenity and visual amenity.

24. The scheme for the control of noise emissions from the site approved by the Thurrock Development Corporation by letter dated 21 December 2007 shall continue in operation until the development is completed.

Reason: To protect the amenities of local residents.

25. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times shall be fitted with effective silencers.

Reason: To protect the amenities of local residents.

26. The restoration, after use and aftercare scheme shall be carried out in accordance with the details and specification set out in Revised Submission made by Cory Environmental (dated November 2007) and approved by the Thurrock Development Corporation by letter dated 31 October 2008 as updated by Drawing 2 Rev C dated 18.04.18.

Reason: For the avoidance of doubt.

27. All planting and seeding shall be carried out as shown in the approved details of landscaping. All trees or shrubs that die within five years of planting or become damaged, diseased or removed shall be replaced in the new planting season with others of similar size and species, unless the local planning authority gives written consent for any variation.

Reason: In the interest of residential and visual amenity.

28. All planting work shall be carried out in accordance with the recommendations of British standards BS4428, 1989 "Code of Practice for General Landscape Operations".

Reason: In order to ensure the satisfactory restoration of the site.

29. The minimum settled depth of the restoration soil profile shall be 1 metre except in tree planting areas where the depth shall be a minimum of 1.5 metres.

Reason: To ensure that the land is satisfactorily restored to enable a beneficial after use of the land and to ensure that operations are not impeded.

30. Condition deleted.

31. At least seven days' notice shall be given in writing to the local planning authority before each phase or sub-phase of spreading soil making materials is to commence.

Reason: In order to retain planning control and to ensure the satisfactory restoration of the site.

32. The operator shall submit for the written approval of the local planning authority details of remedial measures to be undertaken due to differential settlement, poor drainage or due to such other conditions adverse to the proposed after uses or posing a risk to the environment as may be notified to the operator in writing by the local planning authority, and shall implement the measures as agreed.

Reason: For the avoidance of doubt as to the nature and extent of the development and to ensure the operations are carried out in an orderly manner which will safeguard the amenity of the area, protect the adjoining land uses and result in the eventual return of the land to a satisfactory and beneficial after use.

33. The five year aftercare scheme shall be carried out in accordance with the scheme and details approved by the Thurrock Development Corporation by letter dated 31 October 2008.

Reason: For the avoidance of doubt.

34. Condition deleted.

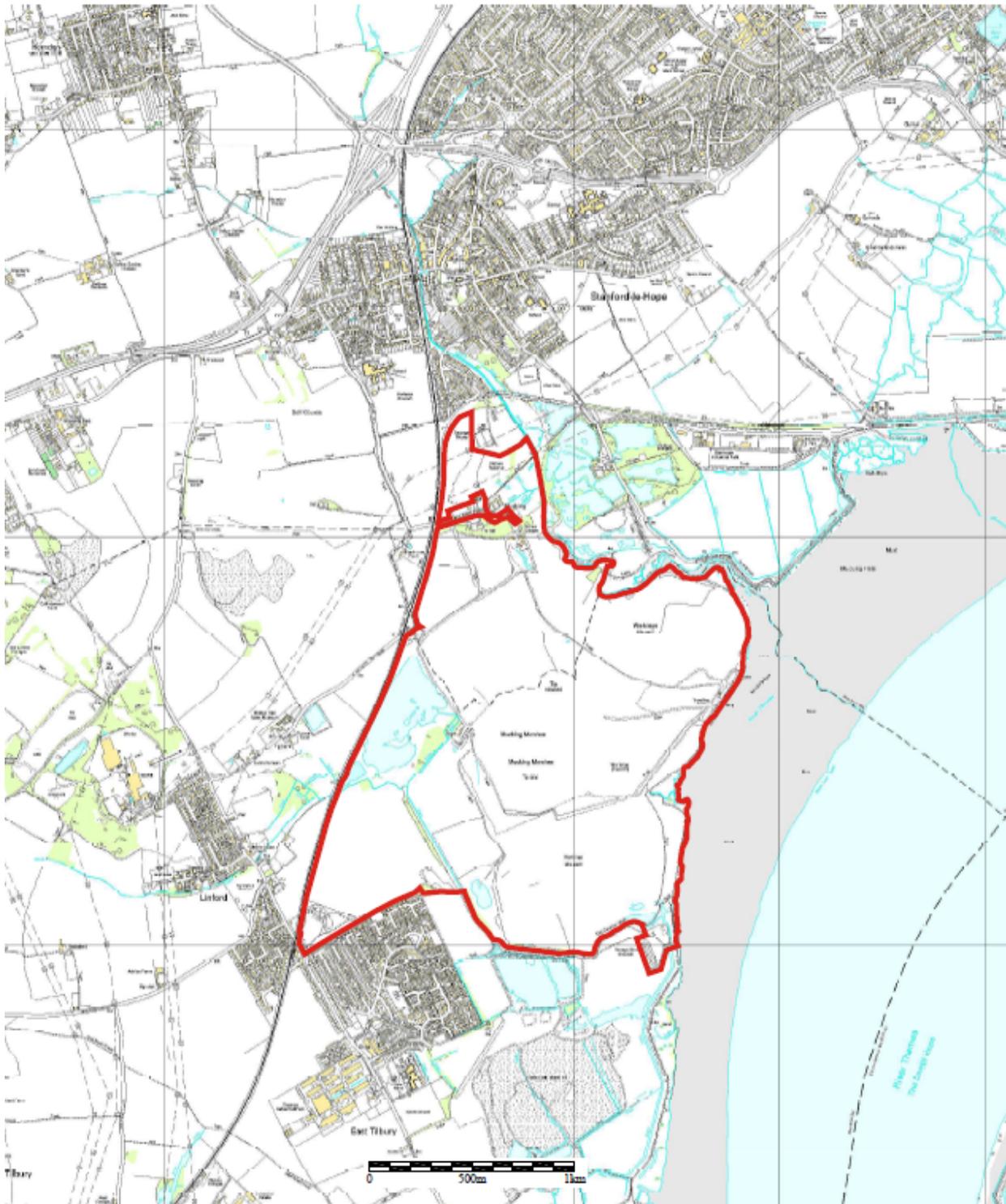
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning



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Key

 Application Boundary

Enovert
Units 3-5 Greysfriars Business Park,
Frank Foley Way, Stafford, ST16 2ST
Tel: 01785 251555

Site: **MUCKING**
S73 Application - April 2018
Title: **Site Location**

Drawn: TJO	Date: 11-4-18	Scale: 1:25,000	FIGURE 1
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