

<b>Reference:</b> 19/01800/FUL	<b>Site:</b> Medina Farm Dennises Lane Upminster Essex RM14 2XB
<b>Ward:</b> Ockendon	<b>Proposal:</b> Engineering works to improve drainage and re-restore previously worked land

<b>Plan Number(s):</b>		
Reference	Name	Received
1616/L	Location Plan	12th December 2019
1616/A/1	Application Plan (1) – Thurrock Mineral Extraction	12th December 2019
1616/A/2	Application Plan (2) – Thurrock Engineering Works	12th December 2019
1616/A/3	Application Plan (3) – Havering Mineral Extraction	12th December 2019
1616/A/4	Application Plan (4) – Havering Engineering Works	12th December 2019
1616/CO/1	Composite Operations Plan	12th December 2019
1616/CS/1	Illustrative Cross Section – Drainage Scheme	12th December 2019
1616/FD/1	Proposed Fencing Details	12th December 2019
1616/R/1	Proposed Restoration	12th December 2019

The application is also accompanied by:

- Cover Letter
- Supporting Statement, with accompanying appendices comprising -
- Appendix 1: Havering Decision Notice
- Appendix 2: Landscape & Visual Appraisal
- Appendix 3: Extended Phase 1 Habitat Survey
- Appendix 4: Amphibian Survey
- Appendix 5: Protected Species Report
- Appendix 6: Hydrogeological Impact Assessment

- Appendix 7:Flood Risk Assessment
- Appendix 7: Agricultural Land Classification and Soil Resources
- Appendix 9: Archaeological Desk-Based Assessment
- Appendix 10: Noise Assessment
- Appendix 11: Air Quality Assessment
- Appendix 12: Transport Assessment
- Surface Water Strategy

**Applicant:**  
Ingrebourne Valley Ltd

**Validated:**  
20 January 2020  
**Date of expiry:**  
30 November 2020  
(Extension of time  
agreed)

**Recommendation:** Grant planning permission, subject to conditions

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr B Johnson, Cllr R Gledhill, Cllr A Jefferies, Cllr D Potter and Cllr A Lawrence in accordance with Part 3 (b) 2.1 (d)(ii) of the Council’s constitution to consider the proposal on the grounds of the impact upon the Green Belt.

**1.0 SUMMARY**

- 1.1 A total of four separate but related planning applications have been submitted, to two planning authorities, covering an area of land totalling 17 hectares located west of the M25 motorway and south of Dennises Lane. The application sites comprise two fields referred to by the applicant as an eastern field (Field A) and a western field (Field B).
- 1.2 In summary, the applications propose engineering works to restore Field A, which has been previously worked for mineral deposits and the excavation of minerals with subsequent restoration on Field B. As the local authority boundary between Thurrock and the London Borough of Havering is aligned east-west and parallel and to the south of Dennises Lane, fields A and B are ‘split’ between the two authorities. Therefore, a total of four planning applications have been submitted as follows:

<u>Application Ref.</u>	<u>Authority</u>	<u>Site</u>	<u>Proposal</u>	<u>Site Area</u>
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19/01799/FUL	Thurrock	Field B	Extraction of minerals with subsequent restoration	5.6 Ha
19/01800/FUL	Thurrock	Field A	Engineering works to restore site	9 Ha
P1865.19	LB Havering	Field B	Extraction of minerals with subsequent restoration	0.9 Ha
P1866.19	LB Havering	Field A	Engineering works to restore site	1.5 Ha

1.3 As separate planning authorities, LB Havering and Thurrock are entitled to reach their own separate decisions for those applications within their jurisdiction. Therefore, and as the applications are functionally linked, in order to undertake the extraction, infilling and restoration all four planning applications would need to be approved. In the scenario when either authority refuses an application the ‘combined’ scheme could not be undertaken.

**2.0 DESCRIPTION OF PROPOSAL**

2.1 The application seeks permission for engineering works to improve drainage and re-restoration of previously worked land at Medina Farm (Field A). In simple terms, the proposed works will address the differential settlement, which has occurred since the field was worked for minerals and subsequently infilled. The existing topsoils and subsoils will be stripped and stored to expose the previous restoration material. This material will then be reshaped and additional material imported to re-shape the landform and produce a shallow-dome shaped landform across both Fields A and B. The material to be imported onto Field A will comprise non-mineral material (overburden, unsaleable minerals or basal clay) from Field B to the west. The applicant confirms that no material will be imported from outside of the development area (Fields A and B) to complete the proposed engineering operations on Field A.

2.2 This development is closely linked to the application ref. 19/01799/FUL which seeks permission for mineral extraction, import of material and restoration within the western field (Field B).

**2.3 Access**

Access to the site will utilise the existing junction with Dennises Lane with all vehicles routeing to and from the west. The applicant estimates that extraction activities will generate 64 HGV (two-way) movements per day on average, rising to 142 (two-way) daily movements when extraction (Field B only) and restoration are occurring simultaneously. The existing access will improved and a hardcore-surfaced compound area created at the north-western corner of Field B.

## 2.4 Operational Details

Site preparation works comprising the removal of a hedgerow separating Fields A and B and the stripping and storage of topsoil and subsoils to form 3m high bunds around the perimeter of the site are proposed. Engineering works will consist of importation of material from Field B and shaping landform with plant to ‘marry-up’ with the adjoining field. Final restoration of the site will involve the spreading of subsoils and topsoils across both fields to create a shallow dome-shaped landform to enable the drainage of surface water to attenuation ponds at the south-eastern and south-western corners. Proposed ground levels on Field A would increase from existing levels of between 16m-18m to between 16m-21m. After restoration, the fields would return to agricultural use. Proposed hours of operation are 7am to 7pm Mondays to Fridays only.

## 3.0 **SITE DESCRIPTION**

- 3.1 The application site is a largely rectangular area of land on the southern side of Dennises Lane, bordered to the south by Baldwin’s Farm, land within the applicant’s ownership and subject to planning reference 19/01800/FUL to the east, with Pea Lane Fishery beyond, and open land to the west. The application site lies within the Metropolitan Green Belt and is currently used for the grazing of horses.
- 3.2 There is a public right of way (public footpath no. 1) located 150m to the east, adjacent to the M25 and Dennis Road, however this would not be impacted by the proposed development. An underground gas pipeline runs parallel and to the south of Dennises Land within the site. Existing ground levels across both fields range from 16m at the eastern boundary to 20m at the north-western corner of Field B
- 3.3 The wider development site sits astride the local authority boundary between Thurrock and Havering, therefore four separate but linked applications have been submitted. These are summarised in the table below:

<b>Authority</b>	<b>Description</b>	<b>Application Plan</b>
Thurrock	Mineral extraction and restoration	1616/A/1
Thurrock	Re-restoration engineering	1616/A/2
Havering	Mineral extraction and restoration	1616/A/3
Havering	Re-restoration engineering	1616/A/4

3.4 There are a number of historic and active landfill sites surrounding Medina Farm and located within both Thurrock and LB Havering. Although not shown on Environment Agency mapping, the applicant suggests that British Geological Survey Mapping and a walkover survey indicate that Field A has been subject to landfilling.

**4.0 RELEVANT HISTORY**

Application Ref	Description of Proposal	Decision
19/01799/FUL	Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture.	Pending Consideration
20/00035/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Engineering works to improve drainage and re-restore previously worked land (Planning application ref. 19/01800/FUL).	Environmental Impact Assessment Not Required
20/00036/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Extraction of minerals and reclamation material and importation of inert materials, ancillary plant and buildings with restoration back to agriculture (ref. 19/01799/FUL).	Environmental Impact Assessment Not Required
79/01149/MIN	Extraction of material, including overburden, suitable for incorporation in the permanent works of the M25 Motorway	Approved

From the above table it is notable that the excavation of minerals has previously been undertaken on Field A (ref. 79/01149/PMIN).

**5.0 CONSULTATIONS AND REPRESENTATIONS**

**5.1 PUBLICITY**

The application has been advertised by way of individual neighbour notification letters and by press advertisement. The application has been advertised as a major development. No responses have been received.

## 5.2 CONSULTATION RESPONSES

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](http://www.thurrock.gov.uk/planning)

### 5.3 LB HAVERING:

No response received.

### 5.4 ESSEX COUNTY COUNCIL (ARACHAEOLOGY):

No archaeological conditions are recommended.

### 5.5 ESSEX COUNTY COUNCIL (MINERALS & WASTE):

No response received.

### 5.6 CADENT GAS:

Gas infrastructure is located just outside the northern site boundary of the site. Although work within the designated site will not affect gas infrastructure, the applicant should be aware that Cadent would need to be consulted about the protection methods required should the vehicle movements entering and exiting the site involve those vehicles crossing the pipelines.

### 5.7 NATURAL ENGLAND:

No objection.

### 5.8 ENVIRONMENTAL HEALTH OFFICER:

No air quality, noise or objections to the proposed operations subject to the implementation of recommended mitigation measures.

### 5.9 FLOOD RISK MANAGER:

Maintains a holding objection based on proposed discharge rates, water treatment and off-site flood risk during construction.

### 5.10 HIGHWAYS:

No objection, comments raised in relation to vehicle routing and the relationship of the site to the applicant's other operations.

#### 5.11 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape or ecology objections, subject to conditions.

### 6.0 POLICY CONTEXT

#### 6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19th February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

2. Achieving sustainable development
6. Building a strong, competitive economy
9. Promoting sustainable transport
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment
17. Facilitating the sustainable use of minerals.

#### 6.2 National Planning Practice Guidance (PPG)

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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Climate change
- Design: process and tools
- Flood Risk and Coastal Change
- Green Belt
- Historic environment
- Land affected by contamination

- Land Stability
- Minerals
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

6.3 The NPPG states that planning for the supply of minerals has a number of special characteristics that are not present in other development as follows:

- Minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited;
  - Working is a temporary use of land, although it often takes place over a long period of time;
  - Working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;
  - Since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
  - Following work, land should be restored to make it suitable for beneficial after-use.

6.4 With regards to restoration, the NPPG states that the responsibility for the restoration and aftercare of mineral sites, including financial responsibility lies with the minerals operator and, in the case of default, with the landowner.

6.5 Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

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

#### THEMATIC POLICIES

- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP21 (Productive Land)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP29 (Waste Strategy)
- CSTP31 (Provision of Minerals)
- CSTP32 (Safeguarding Mineral Resources)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD15 (Flood Risk Assessment)

### 6.6 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

## 7.0 ASSESSMENT

The following key issues are relevant to the consideration and determination of this application:

- I. Plan designation and principle of development
- II. Conformity with waste policies
- III. Assessment of proposed landform
- IV. Impact upon amenity and air quality
- V. Access and highway impacts
- VI. Effect upon ecology and nature conservation
- VII. Flooding, surface water management and protection of water resources
- VIII. Archaeology and cultural heritage
- IX. Footpath and working areas
- X. Other Matters

#### 7.1 I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

The site is located within the Green Belt. Paragraph no. 146 of the NPPF states that:

*“Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”.* The list of “not inappropriate” development includes ‘engineering operations’ (paragraph no. 146 (b)). As set out below, it is not considered that the proposed development would conflict with any of the following five purposes of including land in the Green Belt detailed at paragraph no. 134 of the NPPF:

- the development would not give rise to the unrestricted sprawl of any large built-up areas, being located between the settlements of South Ockendon and Upminster;
- the development would not result in the neighbouring towns of South Ockendon and Upminster merging into one another to any material degree;
- it is not considered that the development would result in any long term encroachment into the countryside;
- the proposed development would not impact on the setting and special character of historic towns; and
- the development would not prejudice the regeneration of urban areas.

7.2 With regards to the impact upon openness, the proposal for Field A involves re-restoration of a previously worked and infilled site. Whilst stockpiles and perimeter bunds will have an impact on the spatial and visual aspects of Green Belt openness,

it is considered that this impact is not significant and would be limited to a temporary period of up to four years. Restoration of the site and the creation of a shallow domed landform would not significantly impact on openness. Consequently, as it is considered that the proposals would not harm openness and would not conflict with the purposes of including land with the Green Belt, the proposals can be considered as appropriate development and it is not necessary to consider whether very special circumstances exist.

### 7.3 II. CONFORMITY WITH DEVELOPMENT PLAN POLICIES FOR WASTE

Core Strategy CSTP29 (Waste Strategy) refers at part 5. (II.) to landfill and states that:

*Proposals for new landfilling will be resisted unless part of a necessary scheme to achieve approved restoration levels at a mineral working site. The Council will require satisfactory restoration in accordance with the aftercare and restoration policy within the MWDPD and seek appropriate after uses for waste management sites where they are not proposed to stay within a waste management use. Proposals for landraising above approved restoration levels will not be supported.*

7.4 In this case, the proposals do not involve the importation of 'waste' material onto Field A from outside the development area, as the applicant intends to transfer non-mineral material (overburden, unsaleable minerals or basal clay) from the adjoining Field B. The original planning permission for mineral extraction and restoration of the site dates from the late 1970s and precise details of the approved post-restoration landform are unknown. However, from a site visit it is apparent that Field B has experienced a degree of differential settlement resulting in a number of small-scale undulations in the surface. This characteristic is common in the older landfill sites in the Borough.

7.5 The proposals would change the current landform to create a shallow dome shape across both Fields. Such a landform would enable a proper surface water drainage strategy. In light of the limited extent of the proposed works, the short timescale (up to 4 years) and the fact that material would be transferred from Field B to Field A it is considered that there are no significant conflicts with the intentions of policy CSTP29.

### 7.6 III. ASSESSMENT OF PROPOSED RESTORATION, AFTER USE AND AFTERCARE

7.7 Paragraph 205(e) of the NPPF states '*When determining planning applications, local planning authorities should.....provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances*'.

7.8 Adopted Core Strategy policy CSTP29 (Waste Strategy) states at (5) (II.) that; *'proposals for new landfilling will be resisted unless part of a necessary scheme to achieve approved restoration levels at a mineral working site'*. The Core Strategy envisaged that certain saved policies within the Essex Minerals Local Plan (EMLP) Adopted First Review (November 1996) would be replaced within the Minerals and Waste DPD (MWDPD). Given the stage the MWDPD reached, those Policies in the EMLP have not been replaced to date. However, Policy MLP8 of the EMLP remains relevant and contains a number of requirements which are considered to be consistent with the NPPF, most notably;

- Planning permission will not normally be given for the working of minerals unless the land concerned is capable of being restored within a reasonable time to a condition such as to make possible an appropriate and beneficial after-use.
- Where filling material is necessary, permission will not be given until it is shown that suitable material will be available and that the compatibility of the landfill has and leachate monitoring and control structures and processes with the afteruse is demonstrated.
- where permission is given, conditions will be imposed to secure;
  - (i) Progressive working and restoration
  - (ii) Aftercare and maintenance of the restored land for not less than 5-years, and;
  - (iii) A beneficial afteruse of the restored land including the use of areas that remain waterfilled

7.9 Policy MLP9 of the EMLP relates to working and reclamation and states; *'In considering planning applications for mineral working or related development, the Mineral Planning Authority will permit only those proposals where the provisions for working and reclamation contained in the application are satisfactory and the implementation of the proposals is feasible'*

#### Proposed restoration

7.10 It is proposed that the overall site (comprising both Fields A and B) is restored to a shallow dome-shaped agricultural field. The application is supported by a Landscape and Visual Impact Assessment which concludes that, while there would be moderate significant effects on landscape character during the works, following restoration the overall effects would be negligible-beneficial following the restoration of farmland and replanting of a better-quality hedge. The assessment of visual effects found that due to topography and existing vegetation the effects of the scheme would be localised, being experienced not more than 200m beyond the site. The nearest residential properties are screened from direct views and other surrounding land uses are not considered sensitive. The LVIA therefore concludes that the scheme would not have

significant adverse visual effects. The Council's landscape and ecology advisor agrees with this assessment.

#### Phased nature of restoration

- 7.11 The NPPG advises Local Mineral Plans to include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place (Paragraph: 037 Reference ID: 27-037-20140306). As detailed in the NPPG progressive or 'rolling' restoration and aftercare minimises the area of land occupied at any one time by the mineral working. This is desirable unless doing so would be likely to adversely affect the standard of reclamation achieved, or would be impractical having regard to the type of operation and nature of the site. EMLP Policy MLP8 has an expectation that proposals will involve progressive working and restoration.
- 7.12 The site will be restored in a progressive manner. The applicant suggests that the restoration works will be completed no more than four years after the commencement of extraction (on Field B) and it is considered that this is a reasonable timeframe and would ensure the reclamation of the site at the earliest opportunity, in accordance with policy.
- 7.13 The site will be restored to a shallow dome-shaped agricultural field, with a slight increase in height across the two fields to ensure sufficient drainage. For reference, existing levels across Fields A and B range between 16m at the eastern boundary to 20m at the north-western corner. The proposed levels would increase from 21m in the centre of the site to 18m at the boundaries. The drainage gradient would be in the region of a 1 in 40 to 1 in 80 slope, designed to guide surface water to the north, east, south and west of the site where it will be collected by drainage ditches. These drainage ditches lead to the two attenuation ponds, located in the south-east and south-west corner respectively.
- 7.14 Neither the Environment Agency nor the Council's Environmental Health Department have raised any objections in relation to the material that is proposed to be used in the restoration, subject to appropriate planning conditions. It should be noted that the development requires a separate environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.
- 7.15 IV. IMPACT UPON AMENITY AND AIR QUALITY

The application is accompanied by an Air Quality Assessment and a Noise Assessment. The site is in a relatively isolated position with regard to neighbouring residential properties, although residential uses are positioned to the south-west of the site at Baldwins Farm and to the east at Medina and Dennises Cottages.

- 7.16 Operational plant would comprise 1 or 2 excavators to be used for stripping of soils and creation of the perimeter bunding in association with articulated dump trucks. Reclamation and restoration would also be undertaken by HGV's with a dozer to spread inert materials.
- 7.17 The applicant is proposing operating hours of 07:00 – 18:00 Mondays to Fridays with no works on Saturdays, Sundays or Bank Holidays.
- 7.18 The Noise Assessment concludes that, with appropriate mitigation and control measures, noise levels associated with the excavation, reclamation and restoration of the site would be acceptable and would comply with the requirements of the NPPF. The Council's Environmental Health Officer has reviewed the applicant's Noise Assessment and is satisfied that, if the recommendations within the report are implemented, operations will be in accordance with BS 5228-1+A1. 2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites. Part 1: Noise. This matter can be addressed through use of a planning condition.
- 7.19 The applicant's Air Quality Assessment assesses the potential impacts of road vehicle exhaust emissions and fugitive dust on a number of receptors both within Thurrock and LB Havering. The Assessment concludes that impacts from exhaust emissions (nitrogen dioxide and particulates) are likely to be negligible at all receptors and therefore not significant. An assessment of disamenity dust concludes slight effects at three receptor locations and negligible impacts at one receptor location. Particulates would have negligible impacts on human health. The overall significance of the impacts of fugitive dust is assessed as not significant. In order to keep dust emissions within acceptable tolerances, the applicant's assessment includes a number of in-built or embedded mitigation measures based around good operating and management practices.
- 7.20 The Environmental Health Officer has reviewed the submitted air quality assessment and does not foresee any issues with the operational side of the development. The Officer confirms that all modelled receptors indicate a negligible significance for air quality for the nearest receptors. The proposed mineral extraction and reclamation activities is also far enough away from the declared AQMA's not to cause a significant impact.
- 7.21 In conclusion under this heading, and subject to mitigation measures being secured by planning conditions, it is considered that the proposal would not cause unacceptable effects on the amenities of neighbouring occupiers and as such the proposals accord with Core Strategy Policy PMD1 (Minimising pollution and impacts on amenity).

## 7.22 V. ACCESS AND HIGHWAY IMPACTS

Vehicular access to the site would be taken from an existing 'farm track' which serves Baldwins Farm which is located to the south. The farm track connects to the local highway network (Dennises Lane) a short distance to the north. It is important to note that the section of farm track in-between the proposed site compound / car park is located within LB Havering. Furthermore, Dennises Lane both east and west of the site is also within LB Havering. Indeed it is only that part of Dennises Lane located east of the M25 motorway which is a 'Thurrock' road.

- 7.23 The applicant has submitted a Transport Assessment which includes the following assessment of trip generation (based on a five-day working week i.e. c.250 operational days per year):

Mineral Extraction –

32 daily HGV arrivals & departures (64 daily two-way HGV movements)

Importation of Restoration Material –

39 daily HGV arrivals & departures (78 daily two-way HGV movements)

Simultaneous Mineral Extraction & Importation of Restoration Material –

71 daily HGV arrivals & departures (142 daily two-way HGV movements)

However, as both the demand for sand and gravel and the availability of inert infill material is reliant on the market, there is likely to be day to day variation in HGV movements. Therefore, the applicant's assessment assumes a worst case of a maximum 100 daily HGV arrivals & departures (200 daily two-way HGV movements), with a maximum AM peak of 20 two-way HGV movements in an hour.

- 7.24 With reference to HGV routing, the assessment confirms that restoration material would be routed to the site via the A13 / A1306 / Launders Lane / Warwick Lane / Bramble Lane / Dennises Lane and extracted sand and gravel would be transported from the site either to Rainham Quarry (within LB Havering) or to the A1306 for onward distribution. Therefore HGV movement associated with both import and export of material would use LB Havering roads to access the strategic road network. It is not intended to route HGV's to the east and therefore Thurrock roads would be avoided.

- 7.25 Consequently, it is a matter for LB Havering to determine whether the impact of HGV movements on the Havering road network would be acceptable. Although pre-submission scoping correspondence with LB Havering highways officers suggests that junction capacity and HGV routing within Havering is not a cause for concern.

## 7.26 VI. EFFECT UPON ECOLOGY AND NATURE CONSERVATION

No part of the site forms part of any statutory or non-statutory ecological or nature conservation designation, although the site does lie within impact zones drawn around a nearby SSSI (in this case the Ingrebourne Marshes SSSI within LB Havering). Therefore, Natural England have been consulted but has raised no objections.

7.27 With regard to existing habitats on the site, the applicant's Habitat Survey Report confirms that both Fields A and B comprise improved grassland, with sections of hedgerow in between the fields and along the northern boundary and a tree line along the western boundary of Field B. The open grassland is considered by the applicant to be of low ecological value and although the hedgerow is of more interest it is nevertheless of limited ecological value. The central hedgerow between Fields A and B will be removed although the applicant anticipates that no trees will need to be removed.

7.28 The application is accompanied by species surveys for protected or notable species and the results of these surveys are summarised below:

- Great Crested Newts (GCN)

Although there are no waterbodies on the site, the presence of GCN in the wider landscape is known. The habitats on-site are capable of supporting overwintering newts. Further surveys are recommended.

- Birds

The site provides breeding habitat for birds and the removal of vegetation should be undertaken outside of the breeding season. Mitigation in the form of new planting with bird boxes is recommended.

- Bats

The site provides some roosting, foraging and commuting resources for bats. Further surveys and mitigation (bat boxes / sensitive lighting) is recommended.

- Invertebrates

The habitat on-site has negligible value for notable invertebrates. The proposed restoration scheme offers the opportunity for enhancement of habitat.

- Reptiles

No reptiles were encountered on-site. Further surveys are recommended.

7.29 The Council's Landscape and Ecology Advisor has considered the applicant's ecological appraisal and notes that although the surveys were undertaken in 2017, the habitats remain broadly as described and given the relatively low value of much of the habitat the applicant's assessment is considered to be acceptable. The Advisor confirms that most of the site comprises species poor grassland of negligible ecological value, however features such as the hedges, adjacent watercourses and

woodland mean that the site is considered to have some potential to support GCN, bats, reptiles and breeding birds. The applicant's species surveys recorded no reptiles, while low numbers of bats were recorded foraging and commuting along the boundary hedges. The loss of the hedge through the site is considered to have some adverse effects on commuting bats until restored, however given the low level of use it is agreed that the effects would not be significant.

7.30 The Advisor agrees that the proposed provision of attenuation ponds on the southern boundary would be beneficial as they will create improved habitat for foraging. It is also agreed that, while largescale wildflower grassland creation would not be appropriate if the site is to be returned to agriculture, other measures detailed in the ecology report such as providing buffers beside the new hedge and the enhancement of the boundary hedges should be adopted. The applicant confirms the precautionary reptile method statement will be adopted and an ecological clerk of works will oversee the works. Consequently, there are no objections to this scheme on ecology grounds, subject to conditions.

#### 7.31 VII. FLOODING, SURFACE WATER MANAGEMENT AND PROTECTION OF WATER RESOURCES

The site is shown on the Environment Agency's Flood Risk map to be located entirely in Flood Zone 1 (low probability). This represents land assessed as having less than a 1 in 1,000 annual probability of flooding from rivers or the sea. However as the site area exceeds 1Ha a flood risk assessment (FRA) has been submitted, supplemented by a Surface Water Drainage Strategy.

7.32 The FRA has considered the risk of flooding from groundwater as the level of groundwater varies between 0.5m and 2m below ground levels. However, the site (Field B) will be worked using framing and de-watering techniques, thereby reducing the possibilities for flooding from groundwater sources.

7.33 Once both Fields A and B have been restored there will be a reduction in infiltration rates and therefore an increase in surface water run-off. The proposed surface water management plan includes the creation of perimeter ditches which will discharge surface water into attenuation ponds located in the south-eastern and south-western corners of the site.

7.34 With reference to surface water drainage issues, the Flood Risk Manager has maintained an objection to the proposals based on:

- limitation of discharge rates from the site;
- confirmation that surface water run-off from the site will be treated; and
- minimisation of off-site flooding from surface water during construction.

However, it is considered that this 'objection' actually seeks compliance with prescribed run-off rates, water treatment standards and a run-off route. Therefore the comments from the Flood Risk Management do not impede the potential grant of planning permission subject to appropriate planning conditions.

### 7.35 VIII. ARCHAEOLOGY AND CULTURAL HERITAGE

Field A has been previously worked for minerals and subsequently infilled and therefore has no archaeological potential. The proposals would not impact to any material degree on any listed buildings or conservation areas located close to the site.

## 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

Although this site is within the Green Belt, it is considered that the proposals would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Assessed against planning policies for waste, the proposed restoration would not cause any material harm to the objectives of the relevant Core Strategy policy. Subject to mitigation measures to be secured via planning conditions, there would be no harm to ecological interests and no harm to nearby receptors as a result of noise or impact on air quality. Similarly there are no flood risk or heritage objections, subject to conditions. HGV movements and routing would impact on roads within LB Havering and a number of planning conditions would address highways matters. It is concluded that the proposals comply with relevant policies and, subject to conditions, it is recommended that planning permission is granted.

## 9.0 RECOMMENDATION

Grant planning permission subject to the following conditions:

### TIME LIMIT – COMMENCEMENT

1. The development to which this permission relates must be commenced no later than five years from the date of this permission. Written notification of the date of commencement shall be sent to the local planning authority within seven days of such commencement.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### ACCORDANCE WITH PLANS

2. The development hereby permitted shall be carried out in accordance with the plans, particulars and specifications submitted and hereby approved:

- Location Plan- Drawing No. 1616/L v2, dated 28/11/2019;
- Application Plan (2)- Thurrock Engineering Works- Drawing No. 1616/A/2 v2, dated 28/11/2019;
- Application Plan (4)- Havering Engineering Works- Drawing No. 1616/A/4 v1, dated 28/11/2019;
- Composite Operations Plan – Drawing No. 1616/CO/1 v5, dated 28/11/2019;
- Illustrative Cross Section - Drainage Scheme- Drawing No. 1616/CS/1 v1, dated 28/06/2018;
- Proposed Fencing Details- Drawing No. 1616/FD/1 v2, dated 28/11/2019;
- Proposed Restoration- Drawing No. 1616/R1 v4, dated 28/11/2019.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **TIME LIMIT - OPERATIONS**

3. The development hereby permitted shall be limited to a period of 4 years, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with Drawing No. 1616/R1 v4 and Drawing No. 1616/FD/1 v5.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

#### **TEMPORARY PLANT ETC.**

4. Any buildings, plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 4 years from the date of notified commencement.

Reason: In order to comply with the terms of the submitted application and to ensure the reclamation and restoration of the site at the earliest opportunity in compliance with local and national planning policies for minerals.

#### **TEMPORARY CESSATION OF WORKS**

5. In the event that operations are terminated or suspended for a period in excess of 12 months, the excavated area and all other disturbed land shall be restored in accordance with a restoration scheme that has been submitted to and approved in writing by the local planning authority. The approved restoration scheme shall be completed within 12 months of the date on which the local planning authority notified the operator in writing that operations had been terminated or suspended for 12 months.

Reason: To ensure the satisfactory restoration of this Green Belt site in the event that operations are suspended in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **INERT MATERIAL**

6. Only inert material shall be used on the eastern field for the purposes of infilling and restoration.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **NO STORAGE OR STOCKPILING**

7. With the exception of environmental bunds specifically identified on the approved plans, no storage of materials or stockpiling shall take place on any part of the site.

Reason: In order to protect the visual amenities of the surrounding area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **OPERATING HOURS**

8. Except in emergencies, when the local planning authority shall be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:
  - a) 07:00 hours to 18:00 hours Monday to Friday; and
  - b) no other times including Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of protecting local amenity in accordance with policy

PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **HYDROLOGICAL MONITORING**

9. No development shall take place until an updated hydrological monitoring and mitigation plan has been submitted to and approved in writing by the local planning authority. This plan shall seek to mitigate for any adverse hydrological and water quality impacts, if they arise, during the development, and mitigation shall include measures to suspend operations authorised by this permission, until such impacts are resolved.

Reason: To avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY**

10. The development hereby permitted shall be undertaken in accordance with the submitted Surface Water Drainage Strategy dated April 2020.

Reason: To avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **RETENTION OF TOPSOIL**

11. All topsoil, subsoil indigenous to the site and soil making material imported shall be retained on the site and used in the restoration hereby permitted.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

### **TOPSOIL HANDLING**

12. No topsoil or subsoil shall be stripped or handled unless it is in a dry and friable condition and no movement of soils shall take place when the moisture content of the upper level of the soil is equal to, or greater than, that at which the soil becomes plastic; or when there are pools of water on the soil surface.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

## **BUNDS**

13. No development shall take place until details and a programme for the forming, planting and maintenance of soil storage bunds around the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the retention of material on site to achieve satisfactory restoration and in the interests of visual amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **TOPSOIL STRIPPING**

14. No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted at least three months prior to the commencement of soil stripping and shall clearly identify the origin, intermediate and final location of soils for use in agricultural restoration together with details of quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of material on site to achieve satisfactory restoration.

## **NOTICE OF SOIL STRIPPING**

15. The operator shall notify the local planning authority for minerals and waste at least five working days in advance of the intention to start stripping soils from any part of the site.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

## **NOTICE OF FINAL TOPSOIL PLACEMENT**

16. The operator shall notify the local planning authority at least five working days in advance of the commencement of the final subsoil and topsoil placement to allow a site inspection to take place.

Reason: To enable the local planning authority to monitor activity at the site and to ensure compliance with this planning permission.

## **RESTORATION MATERIAL**

17. The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To assist in the restoration of the site to a beneficial after use.

## **FINAL LANDFORM**

18. Final landform and surface restoration levels shall accord with the landform, and contours shown on Drawing No. 1616/R1 v4. The restored site shall also include components as depicted on Drawing No. 1616/FD/1 v2.

Reason: To minimise the impact upon the landscape and ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AFTERCARE SCHEME**

19. No infilling shall take place until an aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use has been submitted to, and approved in writing by, the local planning authority prior to commencement of infilling.

Reason: To ensure proper restoration of the site in accordance with the approved plans and in accordance with policies PMD1, CSTP29, CSTP23 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NOISE LEVELS**

20. Noise levels from operations undertaken in association with the development hereby permitted shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties

to demonstrate compliance with the above acceptable level.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **NOISE MITIGATION**

21. The development hereby permitted shall be undertaken in accordance with the noise monitoring and control measures outlined within the submitted Noise Assessment, dated December 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **AIR QUALITY**

22. The development hereby permitted shall be undertaken in accordance with the control measures outlined within the submitted Air Quality Assessment, dated 28th March 2019.

Reason: In the interests of amenity and to accord with policy PMD1, of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **EXTERNAL LIGHTING**

23. No development shall take place until a scheme for the lighting of external areas of the development, including the access roads and working areas but excluding vehicle lights, has been submitted to and approved in writing by the local planning authority for minerals and waste. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights together with proposed hours.

Reason: In the interests of amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **PD ALLOWANCES**

24. 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, fixed plant or machinery, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the local planning authority.

Reason: In the interests of visual amenity and to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **LANDSCAPING SCHEME**

25. A landscape scheme containing details of the replacement hedge, enhancements to the existing hedges and ecological enhancement measures, including a timetable for implementation shall be submitted and approved by the local planning authority prior to the cessation of works. The landscaping scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **ATTENUATION PONDS**

26. Details of the design of the attenuation ponds including habitat enhancement measures and a timetable for implementation shall be submitted to and approved by the local planning authority prior to the cessation of works. The attenuation ponds shall be formed in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its surroundings and provides opportunities for new landscaping and habitat creation in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **ECOLOGICAL CLERK OF WORKS**

27. A suitably qualified ecological clerk of works will supervise key stages of the works including initial site clearance.

Reason: In order to protect the ecological interests on the site in accordance

with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**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](http://www.thurrock.gov.uk/planning)

