

PLANNING BOARD	Agenda Item: 5
16 March 2021	Reference No: 20/2854/MA

Applicant: Tilfen Land Limited (owned by Peabody)
Agent: Lichfields, Jonathan Standen

Site Address: Licensed Facility No. 3, Tripcock Point, Thamesmead, London, SE28 0LN	Ward: Thamesmead Moorings Application Type: Minor Material Amendment
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I.0 Recommendation

I.1 The Board is requested to grant Planning Permission for a minor material amendment under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment of planning permission 92/1268/F, dated 15 March 1996 (varied by non-material amendment 17/2490/NM, dated 24 October 2017) for the Licenced tipping facility for the disposal of contaminated arisings from the Thamesmead development. The variation of Condition 9 is sought to provide for the completion of landfill engineering works through the recontouring of the permitted landform without further importation of waste material.

I.2 Subject to:

- A. Referral of the application to the Mayor of London as required under the terms of The Town and Country Planning (Mayor of London) Order 2008.
- B. Conditions set out in Appendix 2 of this report
- C. Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) containing the planning obligation as detailed in the heads of terms set out in this report (Section 17.0), its addendums, and the minutes of this Planning Board meeting.
- D. To authorise the Assistant Director of Planning & Building Control to:
 - i. make any minor changes to the detailed wording of the recommended conditions as set out in this report, its addendums, and the minutes of this Planning Board meeting, where the Assistant Director of Planning & Building Control considers it appropriate, before issuing the decision notice; and

- ii. finalise the detailed terms of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), as set out in this report (Section 17.0), its addendums and the minutes of this Planning Board meeting.
- E. In the event that the Deed of Variation is not completed within three (3) months of the date of this Planning Board meeting, to authorise the Assistant Director of Planning & Building Control to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured, and if so, to determine the application with reasons for refusal which will include the following:
- i. In the absence of a legal agreement to restore and to implement a scheme of controlled access to the Historic Area and the Wetlands and the provision of a safe environment to public, the proposal would fail to mitigate its impact on the surrounding amenities (including Landscape and Heritage), in line with policies SD1, SI 5, HC 1, G1, G2, G3, G4, G5, G6, SI 13, SI 14, SI 16, SI 17 and DFI of the London Plan (2021), policies OS1, OS3, OS4, E(d) and E(e) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014), the Thamesmead and Abbey Wood SPD (2009) and the Planning Obligations SPD (2015).

2.0 Summary

2.1 Detailed below is a summary of the application:

The Site	
Site Area (m ²)	139,500m ² (13.95ha)
Local Plan Allocation	Metropolitan Open Land (MOL) Area at Risk from Flooding District Park Deficiency Area Site of Importance for Nature Conservation (SINC) - NC21 Thamesmead Historic Area and Wetlands Area of High Archaeological Potential
Heritage Assets	None at present. <i>The Danger Buildings and a section of land to the south are currently under review for scheduling.</i>
Tree Preservation Order	None on site
Flood Risk Zone	Flood Zone 3: area that benefits from flood defences

Proposed Works	
Land modification height (metres)	23m AOD (revised from 34m AOD)
Floor area (m ²)	N/A

Non-Residential Uses		
Existing Use(s)	Existing use (Classes) / Operator	Sui generis/ Tilfen Land
	m ²	139,500m ² (13.95ha)
Employment	Existing Number of Jobs	N/A
	Proposed number of jobs	20 (during sealing, capping, and landscaping of the landfill)

Transportation	
PTAL Rating	Ia

- 2.2 The report details all relevant national, regional, and local policy implications of the scheme, including supplementary planning guidance.
- 2.3 The minor material amendment (S73) is considered acceptable and is recommended for approval subject to satisfactory completion of a revised Legal Agreement (in the form of a Deed of Variation) and conditions set out in the report.

3.0 Site Plan

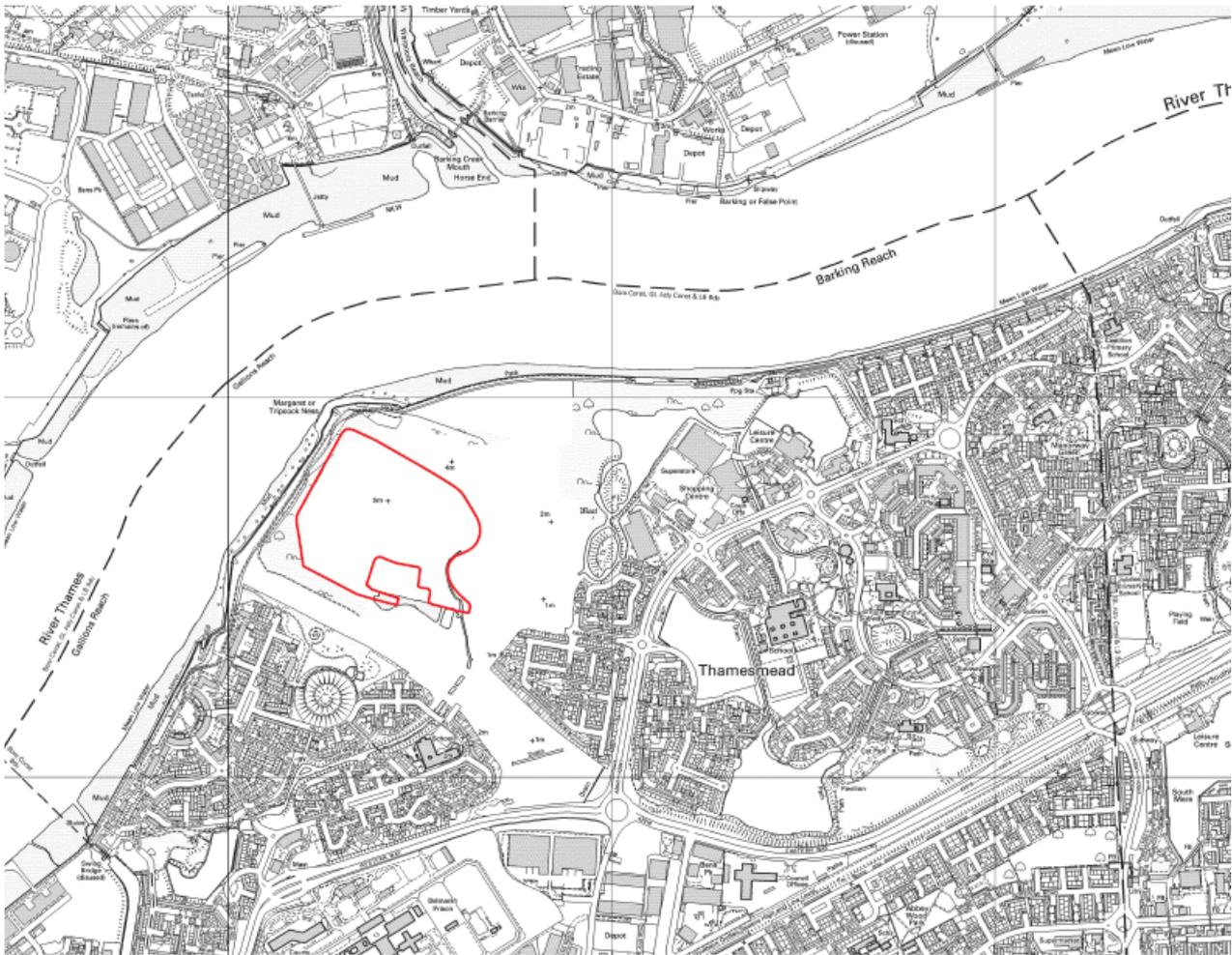


Figure 1: Site Plan - Site Location Plan (Drawing No. 1001/PA/0012/A1)

4.0 Site and Surroundings (in detail)

- 4.1 The application site comprises an inactive land fill of approximately 11 ha, located in the north-eastern corner of the Tripcock Point site, known as 'Licensed Facility No. 3' (LF3). The site has been inactive as a landfill since September 2013, with operations commencing in 1997. It is part of the Tripcock Landfill site, a broader area with stockpiled inert materials and soils to its east and west and covering an area of approximately 13.6ha in total. The profile of the landfill site is generally undulated with a high point of approximately 23m AOD.
- 4.2 South of the site is the Thamesmead Historic Area and Wetlands, a Site of Importance for Nature Conservation of Borough Importance (SINC / Grade I), with key features of wetland habitats, from reed beds to deep water. The site is bounded by river Thames to the north and west, with London City Airport and a mix of commercial and industrial uses opposite the river. To the east of the site and further west and south are low-rise residential buildings.

- 4.3 The site is within the London City Airport Outer Safeguarding Area and the area along the western boundary of the application site comprises river Thames crossing safeguarding land. The site is within Metropolitan Open Land (MOL) and Flood Risk Zone 1.
- 4.4 The site also lies within an area of high archaeological potential and two local views: (i) Winns Common to Lower Thames and (ii) St. Mary's Churchyard towards Mast Pond Wharf.
- 4.5 Access to the landfill site is from Western Way and comprises of an un-made road leading to the application site. The site has a very low Public Transport Accessibility Level (PTAL) ranging from 0 to 1b.
- 4.6 The Thames Path separates the site from the River Thames, which is located approximately 60 metres north and west of the site
- 4.7 The Thamesmead Historic Area immediately south of the site includes remains of structures associated with previous munition manufacturing uses of the site (Woolwich Arsenal). These buildings, known as the 'Danger Buildings', Royal Arsenal Nitration Plant have been locally listed. The Danger Buildings and a section of land to the south are being considered for scheduling.

5.0 Relevant Planning History

- 5.1 Planning permission was granted in March 1996 (LPA ref: E92/1268/F) for a licenced tipping facility for the disposal of contaminated arisings from the Thamesmead development. The consent was subject to eight conditions, where condition five (5) controlled the area where the waste was sourced and this has been enlarged three times (through the following variation applications, LPA references 99/1358/V, 05/0930/V and 10/1900/V) to ensure availability of supply. The consented scheme allowed for a final, maximum post-settlement design level of approximately 34 metres AOD.
- 5.2 A section 96a application (ref: 17/2490/NM) to add Condition 9 (subject of this application) of the above 1996 approval was granted by Council in 2018. This condition provided details on recontouring and overall height levels associated with the closing and rehabilitation of the site.
- 5.3 A further application (ref: 18/0406/MA) was lodged in 2018 for the proposed variation of condition 9 of the original planning permission (as varied by 17/2490/NM) to provide for the completion of landfill engineering works through the re-contouring of the permitted landform without further importation of waste material. This application was not proceeded with and

was subsequently withdrawn. The current S73 replicates this previous application.

- 5.4 A request for an Environmental Impact Assessment (EIA) screening opinion (ref. 20/3027/EIA) was submitted for the completion of landfill engineering works through the recontouring of the permitted landform without further importation of waste material. Council issued its opinion on the 22 October 2020 concluding that an EIA was not required.

6.0 Proposals (in detail)

- 6.1 The application proposes to conclude the landfill development by recontouring the site using the existing inert materials on site, or in neighbouring stockpiles, to cap and close it and finally to satisfy appropriate aftercare requirements so as to provide a future district park use.
- 6.2 Whilst the re-profiling works are covered by the extant planning permission, the implication of using only existing material on or adjacent to the site, with no further importation of waste or fill materials is that the final maximum height will be 23m AOD and therefore 11m lower than the 34m AOD approved with the permission ref. E92/1268/F.
- 6.3 As noted above, the facility has ceased operations in September 2013 and the variation of Condition 9 and approved plans would allow the landfill recontouring of the landform without further importation of waste material.
- 6.4 A detailed heads of terms have been included with this application as the original planning submission was subject to a s106 to secure a number of elements including an obligation for the submission of a Scheme of Works for the Historic Area and the Wetlands and securing on-going public access.

7.0 Consultation

- 7.1 The current application has been the subject of public consultation, comprising a press notice, site notices and letters sent to individual occupiers in the vicinity of the application site. Along with the individual letters, consultation also included 17 statutory bodies, local amenity groups and Ward Councillors.

7.2 Statutory Consultees

A summary of the consultation responses which council has received along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
<p>Historic England</p> <p>06.10.2020</p>	<p>No comment.</p> <p>Historic England do not consider that it is necessary for this application to be notified under the relevant statutory provisions.</p>	<p>Noted. Heritage matters are discussed in section 11 (Design, Heritage and Landscape)</p>
<p>Natural England</p> <p>12.10.2020</p>	<p>Natural England have confirmed that they have no comment to make on this application.</p>	<p>Noted.</p>
<p>Environment Agency</p> <p>16.11.2020</p>	<p>No objection.</p> <p>No in principle concerns regarding the proposal.</p> <p>It is noted that the site has an active environmental permit, which permits landfill activity. As such, the restoration works, and monitoring would be controlled by the conditions of that permit.</p> <p>As the proposal intends to use existing stockpiles on site, it is considered that the likely emissions generated would also be similar to if the site continued to be operated in line with the original planning permission.</p> <p>It is noted that groundwater, surface water, leachate and landfill gas monitoring installations are already present on site, and the environmental permit requires the site operator to</p>	<p>Noted. See section 10.0 (Principle of Development) and 12.0 (Environmental Pollution)</p>

	<p>take samples for the purposes of reporting on any emissions from the site. Given the controls on the environmental permits, the EA does not require any details of environmental monitoring to support a planning application.</p> <p>As indicated in the submitted document, no changes will be made to the existing basal and sidewall engineered features containing the waste within the site, and the additional capping layer will follow the principles of the existing agreed specification. Therefore the EA would have no objections as containment of waste and associated leachate would remain unchanged.</p>	
<p>Historic England (GLAAS)</p> <p>16.10.2020</p>	<p>No objection.</p> <p>Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.</p> <p>The proposed variation relates to the land forming of the site without the need to import additional material. Within this application site</p>	<p>Noted. Heritage matters are discussed in section 11 (Design, Heritage and Landscape)</p>

	<p>there is therefore no ongoing archaeological interest.</p> <p>No further assessment or conditions are therefore necessary.</p>	
<p>Greater London Authority</p> <p>25.01.2021</p>	<p>Advised that the application does not yet comply with the London Plan.</p> <p>GLA officers had noted that the proposal would enable the early closure of an existing unused landfill site in order for it to be remediated and turned into open space as outlined within the TAW OAPF.</p> <p>The site is considered a safeguarded waste facility, as defined by Policy 5.19 of the London Plan and Policy SI 9 of the Publication London Plan, due to it having both a planning permission for waste use and an active Environment Agency permit.</p> <p>Whilst GLA officers recognise that the mothballed site has a defined lifespan due to the nature of the use, that landfill sits at the bottom of the Mayor’s waste hierarchy and also that the site has been identified as future open space, Policy SI9 of the Publication London Plan protects waste capacity; therefore, the applicant should provide details of their attempts to fill the remaining</p>	<p>Noted. The matters with regard to Policy SI 9 of the London Plan (2021) are discussed in section 10.0 (Principle of Development).</p>

	capacity, as well as evidence demonstrating that suitable compensatory waste facilities are available.	
Transport for London (TfL) 20.10.2020	No objection. Having considered the proposals and their location TfL has no objection to consent being granted should the Council consider the proposals acceptable and subject to the transport (and other) mitigation measures set out in the submission.	Noted. Transport matters are discussed in section 13 (Transport and Highways)
Newham	No comment received	Noted.
Barking and Dagenham	No comment received	Noted.

7.3 Council Departments

A summary of the consultation responses received along with the officer comments are set out in table below:

Details of Representation and date received	Summary of Comments	Officers comments
Conservation Officer 21.12.2020	No objection. The proposed reduction in the height of the capped landfill site and the more even grading will remove the steep banking in the immediate vicinity of the Danger Buildings and will therefore reduce the impact on their setting.	Noted. Heritage matters are discussed in section 11 (Design, Heritage and Landscape)
Policy & Environment 18.01.2021	No objection. Tripcock Point is not identified as a safeguarded waste site in either the Core Strategy with Detailed Policies or the South East	Noted. The matters with regard to Policy SI 9 of the London Plan (2021) are discussed in section 10.0 (Principle of Development).

	<p>London Joint Waste Technical Paper. Any outstanding waste capacity there is not relied upon to meet the Mayor's waste apportionment requirements.</p> <p>The site is designated as Metropolitan Open Land in the Core Strategy with Detailed Policies and was identified for future use as a District Park in the Unitary Development Plan (2006). More recently it was included in the OAPF for Thamesmead and Abbey Wood (2020) as an area of public open space.</p> <p>There is no policy objection to the proposal to re-contour the landfill area, which has no implications for waste policy planning. The proposed completion of the landfill engineering works is necessary to enable the future use of the land as public open space.</p>	
<p>Transport & Highways</p> <p>22 October 2020</p>	<p>No objection.</p> <p>Although outside the red line boundary it should be encouraged that the missing link between Newmarsh Road and Barnham Drive is considered to be constructed. The haulage route from Western Way to the site has previously prevented the infrastructure being provided.</p>	<p>Noted. Transport matters are discussed in section 13 (Transport and Highways)</p>

	<p>On completion of the Licensed Facility the haul route is no longer required and therefore the missing link could be created providing more sustainable access to the communities and facilities on either side.</p>	
Parks & Open Spaces	No comment received at time of writing.	Noted.
Pollution	No comment received at time of writing.	Noted.
<p>Flood Risk Manager</p> <p>01.12.2020</p>	<p>No objection.</p> <p>The Cover Letter states that ‘the proposal provides for the completion of the development by recontouring the Tripcock landfill area using existing material present on site without the importation of additional waste materials, but using existing inert materials present and stored adjacent to the site to cap, restore the site, to enable environmental permit aftercare requirements to be met’.</p> <p>In respect of the proposed reprofiling it is stated in Section 10 of the Addendum Report that ‘ground surfaces will be vegetated in accordance with the Restoration Plan. Surface water drainage will continue to discharge to the leachate lagoons/wetland’. It also states that the ‘conceptual drainage is not expected to alter the run-off characteristics from the</p>	<p>Noted. Flood matters are discussed in section 14.0 (Flood Risk)</p>

	<p>restoration profile of the currently approved plan'. Therefore, the proposed recontouring is unlikely to have any alteration in respect of surface water drainage on the site.</p> <p>In respect of surface water drainage the Addendum Report sets out the proposed surface water management would provide a “discharge rate similar to green field behaviour or in some cases offer an improvement on the existing drainage”. The proposed drainage strategy for the site will involve “drainage of surface water by perimeter and intercepting drains reporting to the wetlands / lagoons at the south of the site”. The Addendum Report indicates installation of a low permeability capping falls under the requirement of the Environment Permit EPR/EP3135PE.</p>	
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Local Residents and Businesses

7.4 **No objections** have been received from residents and businesses located within the neighbouring area.

8.0 Planning Context

8.1 This application needs to be considered in the context of a range of national, regional, and local planning policies and Supplementary Planning Guidance / Documents.

- **National Planning Policy Framework (2019)**
- **London Plan (2021)**

- **The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (“Core Strategy” – 2014)**
- **Thamesmead and Abbey Wood Opportunity Area Planning Framework (2020)**
- **Royal Greenwich Site Allocations Preferred Approach (2019) – Regulation 18**

Status of the New London Plan

- 8.2 On 17 December 2019, the Mayor published the Intend to Publish version of the London Plan and issued this to the Secretary of State. On 13th March 2020, the Secretary of State wrote to the Mayor setting out his consideration of the Mayor’s Intend to Publish London Plan and exercised his power to direct changes under Section 337 of the Greater London Authority Act 1999 (as amended).
- 8.3 The Mayor formally approved the London Plan on the 21 December 2020 which became known as the “Publication London Plan”. The Publication version included the responses and modifications following the Secretary of State’s directions to the Intend to Publish plan. The Mayor has formally received confirmation from the Secretary of State that he is content for the London Plan to be published as confirmed in a letter dated 29 January 2021. The Publication London Plan was formally adopted on Tuesday 2 March 2021, and now is known as the London Plan (2021).
- 8.4 The London Plan 2016 is now no longer a material planning consideration.

Status of the Site Allocations Preferred Approach



Figure 2: Map Site Allocation T3 (Greenwich Site Allocations Preferred Approach – Reg 18 (2019))

- 8.5 The Royal Greenwich Site Allocations Preferred Approach has been subject to public consultation. The Regulation 19 draft of the Greenwich Site Allocations Preferred Approach has been taken to Full Council for approval for formal public consultation. The application site is included in the Preferred Approach document as site T3. Officers consider the draft SAP is a material consideration with limited weight.

Context of a Minor Material Amendment

- 8.6 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of an S.73 application is to seek a minor material amendment to approved plans, which is the case in this instance.
- 8.7 A S.73 application results in a new permission being issued sitting alongside the original permission, which remains intact and unamended.
- 8.8 There is no statutory definition of a 'minor material amendment', however Government guidance has suggested a non-statutory definition: "a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved".
- 8.9 As the principle of the proposal has been established under the previous application the current application can only be assessed on the impact of the changes.
- 8.10 In addition to this, a recent Court of Appeal decision (Finney vs Welsh Ministers [2019] EWCA Civ 1868) has concluded that minor material amendment applications, submitted under section 73 of the Town and Country Planning Act, should not change the description of the development or alter a condition that is in conflict with the description of development.
- 8.11 Notwithstanding the merits of the assessment as detailed below, Officers consider that proposed changes would constitute a minor material amendment (with the key change being a reduction in height of the final finished landform) and would also be in line with the recent Court of Appeal decision in that if council was minded to approve this amendment it would not conflict with the description as originally approved.

9.0 Material Planning Considerations

- 9.1 This section of the report provides an analysis of the specific aspects of the proposed development and the principal issues that need to be considered in the determination of the planning application:

- Principle of Development.
- Design, Heritage and Landscape
- Noise and Air Quality.
- Gas, Land and Water Contamination.
- Transport and Access.
- Flood Risk.
- Ecology.
- Community Infrastructure Levy (CIL).
- RBG CIL.
- Legal Agreement.
- Implications for Disadvantaged Groups.

10.0 Principle of Development

- 10.1 The application site comprises Metropolitan Open Land (MOL) within the Thamesmead & Abbey Wood Opportunity Area. Regeneration of the opportunity area will enhance the area through estate renewal, new housing and social and recreation facilities, improved open space and enhanced MOL. Access to the riverside and the adjacent Tripcock Park is to be enhanced, including connections to the South East London Green Chain.
- 10.2 The Council's Local Plan reflects the Royal Borough's support of the above and designates the area as the Thamesmead Strategic Development Location (SDL). The 2009 Thamesmead and Abbey Wood Supplementary Planning Document (SPD) sets out the details for regenerating the area, including the provision of open spaces and the implementation of Tripcock Park on the application site, to address the district park deficiency of the area.
- 10.3 The Thamesmead and Abbey Wood Opportunity Area Planning Framework 2020 (OAPF) and the Royal Borough of Greenwich Site Allocations Preferred Approach (2019) - Regulation 18 draft 2019 (SAP) also facilitate the improvements to Thamesmead Waterfront. The LF3 landfill falls within the wider Thamesmead Waterfront T3 allocation within the SAP. The SAP outlines the proposed allocation which seeks to deliver residential-led mixed-use development including a site for an all through school (primary and secondary). The area currently designated as MOL is to be made publicly accessible as a District Park. It is noted that the site subject to this planning application falls entirely within the area outlined as a district park. The closure of LF3 is fundamental to achieving the aspirations as outlined within the OAPF and SAP for Thamesmead.

10.4 However, while the proposed closure of the facility is essential to achieving the aspirations as outlined within the OAPF and SAP and strategic policy for Thamesmead, the proposal needs to be considered in accordance with relevant waste policies as it is an existing facility.

Protection of Waste Facilities

10.5 Policy SI 9 of the London Plan (2021) seek to protect waste sites. Waste sites are defined as land with planning permission for a waste use or a permit from the Environment Agency for a waste use. In principle, these policies resist the loss of safeguarded waste sites unless the waste processing capacity can be re-provided elsewhere.

10.6 The site has operated for landfill since 1997 accepting hazardous waste, such as contaminated soils and incinerator bottom ash, although it has not accepted any waste since 2013. The landfill itself had been developed as three cells – Cell 1 is completed, capped, and restored; Cell 2 is part completed; and landfill to Cell 3 commenced but ended in September 2013. The applicant has outlined that the landfill has remaining capacity of circa 200,000 m³.

10.7 It is noted that redevelopment of Thamesmead has steadily reduced the quantities of hazardous waste requiring disposal and given this the applicant has sought modifications to the planning permission over time to allow waste to be brought to the site from a progressively wider and more distant catchment area. Nevertheless, the applicant states that the facility struggled to maintain sufficient supply and in 2013 the facility was closed and is now inactive as a waste facility. No further waste has been received since this time and the licence issued from the Environment Agency does not permit the site to accept any further hazardous waste.

10.8 It is proposed to conclude the landfill development by re-contouring the site using existing inert materials on site, or in neighbouring stockpiles, to cap and close it. It will be recontoured and after appropriate aftercare requirements have been satisfied it will be turned into a district park. Whilst the re-profiling works are covered by the extant planning permission, the implication of using only existing material on or adjacent to the site, with no further importation of waste or fill materials, is that the final maximum height will be 23m AOD. This is therefore 11m lower than the 34m AOD approved with the permission ref. E92/1268/F.

10.9 The GLA in their Stage 1 response (ref: GLA/202/6605/S1/01) has considered the landfill as a safeguarded waste facility, as defined by policy SI 9 of the London Plan (2021) given that the site has both planning permission for a waste use and an active Environment Agency permit. The GLA officers further

consider that given the nature of the application, the applicant is required to demonstrate their attempts to fill the remaining capacity and that suitable compensatory waste facilities are available.

- 10.10 As understood, the current permit from 2017 (reference EPR/EP3135PE) does not allow for any importation of hazardous or inert waste disposal, with the permit allowing only for capping (as detailed in Table SI.4 of the permit). So, while there is an active planning permission as well as environment permit it is considered by the Council that the site is already closed in all but planning terms with no effective ability to import waste.
- 10.11 In terms of the site being safeguarded, it is noted by council officers that this site has never been included as a safeguarded waste site in either the Core Strategy or the South East London Joint Waste Technical Paper. This site is also not referenced within the London Waste Map, a GLA document, which is noted in paragraph 20 of the Stage 1 response. The site is designated as Metropolitan Open Land in the Core Strategy and has been consistently identified for future use as a District Park in the Unitary Development Plan (2006) and the recently approved OAPF for Thamesmead and Abbey Wood (2020). Given that the site has not been identified either for capacity need or for land-use purposes as a required waste facility, from a local authority planning point of view, it is considered appropriate for the permanent closure of the facility to provide open space.
- 10.12 Notwithstanding Council's view regarding policy SI 9, following receipt of the stage 1 response from the GLA, the applicant has responded and provided Council a detailed cover letter and memo outlining their attempts to fill capacity, the decline in demand and consideration of the compensatory provision. These are each addressed in turn below.

Capacity and decline in demand

- 10.13 The memo outlines the extent to which the applicant sought to attract and secure contaminated soils and granular material for disposal at the site, supported by providing all records of landfill enquiries, as well as their customer history. They have outlined the impact which regulatory changes have had particularly the landfill tax which effectively made it a cheaper option for waste producers to treat and reuse their contaminated materials often at source, rather than by disposal. Notwithstanding this, the applicant in response to the conditions sought to increase the catchment area of the site three times to secure waste for the site. As understood from their documents, the last significant importation of waste was from Olympic Park, which accounted for all its imported hazardous waste by Q4 2011. It is also important to note that the Crossrail Plumstead Depot contract, a

development of scale nearby, encourages the treatment and re-use of hazardous materials rather than disposal. Finally, the applicant concludes that despite a marketing campaign, it was not possible to attract compliant hazardous waste for disposal in commercially viable quantities and therefore the site was closed permanently. Officers are satisfied that the applicants have explored every option to fill the remaining capacity.

Compensatory measures

10.14 In terms of compensatory measures, the Council notes that the South East London Joint Waste Planning Group have not included this site as one of the sub-region's designated waste facilities. The most recent South East London Joint Waste Technical Paper shows that the boroughs have sufficient, even surplus, waste capacity without this site, and therefore it is evident that there is suitable compensatory capacity. Given that this site is not required to meet current waste capacity needs within South East London, it's officers' view that given this site is not needed to meet South East London requirements it is not considered that the applicant needs to demonstrate any 'compensatory provision'.

Conclusion

10.15 For the reasons set out above, while we have concerns regarding the interpretation of policy SI 9 and its relevance here, we have considered that the applicant has adequately demonstrated that they have made substantive attempts between 2004 and 2013 at filling the site as well as demonstrating that no compensatory measures are required. In officers view, the loss of this site has no implications for waste policy planning, as the council, and sub-region have no reliance on this site. The proposed completion of the landfill engineering works is necessary to enable the future use of the land as public open space and this is fully supported in policy terms.

11.0 Design, Heritage and Landscape

11.1 The proposal is for the conclusion of the landfill development by re-contouring the site in the same final domed form and with final height reduced from 34 metres AOD to 23 metres AOD.

11.2 Due to the above characteristics, in design terms the proposal would not raise significant concerns when comparing the existing and proposed situations. It is important to note that this application would not involve any new built elements or structures.

11.3 Notwithstanding this, a detailed assessment on specific heritage and landscape matters is detailed below.

Impact of Heritage Assets

11.4 The site is in close proximity to the following locally listed buildings: the Danger Buildings (outlined in red), Tripcock Ness Lighthouse; Gun Emplacement, Tripcock Point; and Observation Post, Thames Path (all circled in green). The closest listed building is the Grade II chimney to Beckton Sewage Works in Newham, which is on the north of the river and is approximately 1km from the site.

11.5 Given the relationship to the site, it is not anticipated that any of the locally listed buildings which are located on the Thames would be impacted by this development and therefore will not be assessed further. As such, the only building which will be considered in the following assessment is the Danger Buildings.



Figure 3: Location of the surrounding Heritage Assets

Danger Buildings (Locally Listed Buildings)

11.6 The locally listed Danger Buildings are located outside the site to the south and are located between what is known as Cell 2 and the Wetlands Area. The local heritage list outlines the significance of these buildings as follows:

Important and distinctive group of buildings and earthworks, forming a fortified landscape. Rare extant evidence both of the extensive expansion of the Arsenal eastwards onto the marshes and of high explosive manufacture. Instrumental in the defence of the realm during WWI and WWII.

- 11.7 The photographs provided in the submitted Heritage Impact Assessment detail the state and condition of the buildings which are clearly in disrepair.
- 11.8 In terms of the proposal site, it is considered that the existing landfill use itself does not contribute to the significance of the historic buildings, with much of its significance derived from its historical use and wider connection to the Royal Arsenal. The Danger Buildings are severed from the wider Royal Arsenal and given the historic changes on-site much of its original context has been lost. Therefore, any impact on its significance would be very limited.
- 11.9 A key aspect of the proposal from a heritage perspective involves the change in final landform from 34m AOD to 23m AOD, and the associated harm to significance. As referred to above, the proposed form and re-profiling of the land on the setting of the locally listed Danger Buildings would be minimal and the locally listed building would be unharmed by the proposed works. In terms of the wider context, and setting it is not considered that the landform contributes to the significance of the Danger Buildings.
- 11.10 While it is noted that the Danger Buildings are proposed for scheduling by Historic England it is noted in response to consultation that they had not specifically objected to the works proposed.
- 11.11 Furthermore, GLAAS have provided comment on the scheme in response to consultation and note that the proposals are unlikely to have an effect on heritage assets of archaeological interest. Therefore, the proposals are considered to be compliant with the relevant policies.
- 11.12 Taken the above together, it is considered that the proposal would not harm the significance of the locally listed building, and in this instance the profiling of the land would result in a neutral change to their setting and significance would be preserved. As such the proposal would accord with the aims and objectives of paragraph 189, 190, 193, 197 of the National Planning Policy Framework, policy HC1 of the London Plan (2021) and Policies DH1, DH3 and DH(j) of RBG Core Strategy.

Landscape

- 11.13 The NPPF makes clear that “the essential characteristics of Green Belts are their openness and their permanence.” At paragraph 145, it states that the construction of new buildings in Green Belt should be regarded as inappropriate, except in specific circumstances. Further to the above, paragraph 146 lists a limited number of development types which are not regarded as inappropriate development, provided they preserve the openness of the Green Belt, these are: mineral extraction, engineering operations, local transport infrastructure, reuse of buildings, and development brought forward under a Community Right to Build Order. In this instance 146 (b) is relevant here.
- 11.14 Policy G3 of the Mayor’s London Plan (2021) make clear that Metropolitan Open Land (MOL) should be accorded the same status and level of protection as Green Belt.
- 11.15 Having regard to the above, the key assessment is whether the proposed modification to reduce the domed height of the landfill would **preserve its openness** and **not conflict with the purposes of the land**. The following assessment considers these two points in detail and its associated visual impact:
- In terms of landscape impacts and whether the proposal would **preserve its openness**, it is noted that restoration itself will have a neutral impact in a landscape sense, as the existing (current situation) and proposed landform would be the same height (although less than the extant planning permission). It is noted that the proposal would result in the loss of approximately 1.3ha of recently planted woodland although in the long term this would be replaced and the extent of residual vegetation cover would be similar to existing. This is discussed in the ecology section below.
 - In terms of visual impacts, the Statement of Technical Reporting outlines that when viewed from surrounding areas, and the identified visual receptors, the restoration works would be barely visible. As noted above, in the long term, the development would be similar to the existing situation. In addition, it is considered by officers that the proposals would not harm any of the strategic views or local views as identified in the London Plan (2021) or Core Strategy. Overall, it is considered that the proposed development unlikely to give rise to any meaningful perception of impact on the openness of the MOL.
 - The proposal will conclude the development 11 m under the height permitted under the extant permission and as such would be less visible than the consented mound. Therefore, the proposal would be fully consistent with the approved land use and therefore **not conflict with the purposes of the land**.

11.16 Given the above, it is considered that the proposals would preserve the openness of the MOL and not conflict with the purposes of the land, therefore be appropriate development in accordance with the NPPF as outlined in para 146 (b), no objection on these grounds have been raised by the GLA. Therefore, the proposal would be fully consistent with the NPPF, Core Strategy Policy OS(a) and DH(g) and Policy G3 of the London Plan (2021).

12.0 Environmental Pollution

Noise and Air Quality

- 12.1 The whole of the Royal Borough of Greenwich is designated as an Air Quality Management Area due to high background concentrations of NO₂ and PM₁₀, derived from traffic and industrial sources. As such, the works proposed raise considerations of dust and odour.
- 12.2 The landfill site has since operation received contaminated soils and incinerator bottom ash. According to the Statement of Technical report submitted with the application, both are non-biodegradable materials. It is further noted that no ACM has been deposited at the site or any other biodegradable material. Therefore, no odour sources are anticipated due to the nature of the material being moved with the proposed development.
- 12.3 The proposal is for the conclusion of the landfill development by re-contouring the site using only existing materials present on site or already set aside in neighbouring stockpiles, to cap and close it, then satisfying appropriate aftercare requirements. The re-contouring has been considered with the original application and the proposed amendments are not expected to raise the levels of noise and air pollution when compared to the original permission.
- 12.4 Moreover, the preliminary noise and dust/odour assessments submitted with the Statement of Technical Reporting concludes that noise effects due to works are expected to be not significant in terms of environmental impact, and the risk of dust soiling and to human receptors are low to negligible. These low to negligible potential risks would occur during the 20 weeks estimated for the duration of the works for re-contouring the site.
- 12.5 Notwithstanding this a number of mitigation measures are proposed, including:
- Haul roads will be dampened down to limit dust.
 - The site will be worked in a phased manner to limit exposed areas of the site.

- A record will be kept of all dust and air quality complaints which will be available to the local authority if asked.
- A record will also be kept of any exceptional incidents that cause dust and/ or air emission along with the action taken to resolve the situation.
- A wheel washing system will be used.

12.6 In terms of noise, the Statement of Technical Reporting identifies that the background and ambient sound at site is described to be dominated by road traffic noise as well as aircraft. The report goes on to detail and identify the location of the nearest noise sensitive receptors. The assessment concludes that predicted worse-case noise levels are below the adopted noise limit at each noise sensitive receptor for the relevant stage of working. Therefore, it is concluded that the noise effects due to the proposed works are considered to be acceptable.

12.7 For the reasons above and given that the Environment Agency and council's Environmental Health Officer have not raised any adverse comments in relation to air and noise pollution, the proposals are considered to consistent with policy SI 1 and DI4 of the London Plan (2021) and policy E(e) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014).

Gas, Land and Water Contamination

12.8 The application relates to a licensed facility that operates under a permit from the Environment Agency (EA) (ref: EPR/EP3135PE). The EA has provided a detailed response on the scheme in which they confirm they raise no objection in principle, noting many of the aspects are covered and formally controlled within the extant environmental permit. It is noted that the closure will enable appropriate aftercare requirements to be satisfied, although this would still remain under on-going monitoring even once the site has been capped and remediated.

12.9 In response to consultation on the present application, the EA advised that:
“The site currently has an active environmental permit, which permits the site to carry out landfilling activities. It is considered by the Environment Agency that the proposed restoration works would be monitored and controlled, on a day-to-day basis, by the existing conditions within that permit

...

groundwater, surface water, leachate and landfill gas monitoring installations are already present on site, and the environmental permit requires the site operator to take samples for the purposes of reporting on any emissions from the site. Conditions stipulate limits on emissions where appropriate and direct the

operator to take appropriate action should any limits be breached. These permit conditions will remain in force until or unless they are changed through a permit variation by the Environment Agency.”

- 12.10 The EA response notes the proposal is to install a passive leachate collection system around the perimeter of the landfill cells, which will collect leachate from within the waste mass and direct via gravity to the existing wetland treatment system. The EA support this in principle, considering this passive drain will continue to direct water to the existing wetland treatment system and risks posed by leachate would remain under the control of the existing permit conditions.
- 12.11 It is also noted in the EA response that the operator intends to keep the existing pumped leachate extraction equipment in use, ceasing only if agreed with the EA that the passive system can suitably be relied upon to manage leachate in compliance with the environmental permit conditions.
- 12.12 As detailed in the Statement of Technical Reporting and noted by the EA the current hydrogeological risk assessment exists for the site and is subject to on-going 6 yearly review. Given this, the EA does not consider it necessary that a detailed risk assessment to support this planning application, particularly as the proposal involves a reduction in waste materials and therefore a reduced source of pollution in the long term.
- 12.13 Overall, as outlined above the Environment Agency has no objections to the proposed amendment to the planning permission, based on the information submitted. This view is supported by the GLA. No planning conditions are recommended in this regard with the management of the site undertaken through its environmental permits.

13.0 Transport and Access

- 13.1 During the 20 week period the works are estimated to take place, access to the site will be from the existing access point on Western Way via a gated entrance area and made tracks to a site reception area. Western Way (A2016) is a road classified as Principal (A) road and a designated strategic road within the Strategic Road Network (SRN).
- 13.2 The information submitted with the Statement of Technical Reporting - addendum states that the potential transport impacts have been considered and minimised through proposing that no material is imported into or exported out of the site. The additional restoration soils required will be taken from the neighbouring stockpiles which are accessed via internal roads, and vehicle movements in and out of the site will be limited, and overall

would have taken place had the site been infilled to its permitted profile. It is noted that with the early closure, it is estimated that the proposal will save about 15,000 waste vehicle delivery movements.

- 13.3 The application estimates 20 people as workforce on-site during various times of the 20 weeks estimated works duration. The workers are expected to travel to site in private vehicles, which is considered acceptable given the site's very low Public Transport Access Level (PTAL) rating 1a. This would require an appropriate parking provision and, given the site area can accommodate this demand and the imposition of condition 6 (Construction Environmental Management Plan), the proposals are considered acceptable.
- 13.4 Transport for London and the Council's Highways Officer have reviewed the documents submitted and have raised no objection to the proposed works, and the application is considered in line with the relevant transport and, as such, the application complies with London Plan (2021) policies T3 and T7, and policy IM4 of Greenwich Council's Core Strategy; and the Mayor's Transport Strategy.

14.0 Flood Risk

- 14.1 The application site is at a higher ground level compared to the greater Thamesmead area and lies within the flood risk zone 3. It also lies within an area that benefits from flood defences without high residual flood risk.
- 14.2 At the closest, the proposal is to take place approximately 65m from the river bank and will not encroach on the embankment. It is noted that the highest ground levels following the works will be similar to the existing (although lower than currently approved).
- 14.3 It is confirmed that the drainage from the landfill will discharge to local watercourses and reporting to the wetland / lagoons, and subsequently the River Thames. It is noted that in line with the Environmental Permit conditions that on-going monitoring of groundwater and surface water, will continue to be managed during restoration works.
- 14.4 Given the proposals are for a final domed form which would still be at a higher level if compared to the original ground level (pre-landfill), they are considered not to increase risk of flooding and therefore compliant with London Plan (2021) policies SI 12 and SI 13.

15.0 Ecology

- 15.1 Policy G1, G3, G4 and G6 of the London Plan (2021) and policy OS4 of the Core Strategy (2010) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation, and management of biodiversity. This is supported by policy G5 which requires 'urban greening' in the design process and policy G6 which requires a 'proactive approach to the protection, enhancement, creation, promotion and management of biodiversity'.
- 15.2 Policy OS4 of the Core Strategy requires that new development enhance Royal Greenwich's rich biodiversity and geo-diversity. Policy OS(f) expands on the aspects that must be considered when assessing ecological factors.
- 15.3 The submitted technical report detailing ecology, outlines that no statutory or non-statutory nature conservation sites will be adversely affected by the proposed development. It is further noted that the habitats at the site are generally of negligible or low ecological value and no valued ecological features will be affected by the development. Furthermore, no protected species were recorded or are likely to be present within the site boundary, with the exception of nesting birds and the potential for common reptiles. The appropriate timing of works and delivery of precautionary working method statements will, however, mitigate any residual effects to these species.
- 15.4 As noted in the landscape section above, the proposed recontouring of the site would result in the loss of woodland trees on site which are located on the previously resorted areas of Cells 1 and 2 and are estimated to be 10 – 15 years old. The unrestored Cell 3 has self-sown trees and scrub. The applicant advises that the woodlands on cells 1 and 2 were planted in line with two approved details submitted in to satisfy condition 2 of planning permission E92/1268/F, these under references: 02/2455/SD (Cell 1) and 03/2002/SD (Cell 2). Semi-mature woodland is present along the site's boundary will not be affected by the proposed land modifications.



Figure 4: Vegetation cover within the site Boundary (Statement of Technical Reporting 2018)

15.5 Enhancement measures at the site include the creation of approximately 13.9ha of grassland, wildflower, scrub and woodland mosaic which would improve the link with the neighbouring SINC sites.

15.6 A number of mitigation measures are proposed, and these include:

- The submission of a Construction Environmental Management Plan, which would include statements on Protected Species, Japanese Knotweed, Site / Vegetation Clearance and Habitat Creation.
- Vegetation clearance works will be undertaken outside of the main bird breeding season (March to September inclusive). Should clearance works be required to take place during the breeding season, a suitably qualified ecologist or ECoW will be present to check prior to commencement of works.
- Implementation of precautionary reptile method statement
- Supervised site clearance, temporary exclusion during the works.
- Any holes during construction will be covered overnight to prevent animals from falling in.
- Excavations will be checked first thing each morning, prior to the start of works that day.

- 15.7 In addition to the above, conditions are recommended to secure a Landscape and Ecological Management Plan and a Hard and Soft Landscaping Plan which will improve the biodiversity value of the site and maintain its integrity over the long-term. Therefore, the proposals would result in net gains for biodiversity commensurate with the MOL designation and would make a significant contribution to biodiversity creation and enhancement, consistent with London Plan (2021) policies G6 and G7 and Core Strategy policy OS4.
- 15.8 Following the implementation of the above mitigation and compensation measures, there will not be any adverse ecological impacts from the proposed development.

16.0 Community Infrastructure Levy (CIL)

Mayoral CIL 2

16.1 The Mayor introduced a new London-wide Community Infrastructure Levy (CIL) on 1 April 2019. It is payable upon commencement of development. The Mayor's CIL2 will contribute towards the funding of Crossrail2. The Mayor has arranged boroughs into three charging bands. The rate for Greenwich is £25 per square metre.

16.2 The current application is not liable to this requirement.

RBG CIL

16.3 The Royal Borough adopted its Local Community Infrastructure Levy (CIL) charging schedule, infrastructure (Regulation 123) list, instalments policy and exceptional circumstances relief policy on the 25th March 2015 and came into effect in Royal Greenwich on the 6th April 2015. Residential in this area is liable to pay £70 per square metre (subject to indexation).

16.4 The current application is not liable to this requirement.

17.0 Deed of Variation

17.1 A comprehensive Section 106 Legal Agreement was signed in 15.03.1996 relating to permission granted in 26.04.1994 (ref. 92/1268/F). It secured a broad range of community benefits comprising (i) the monitoring and long term after care of the site; (ii) the implementation of the Riverside Footpath; (iii) the restoration and the opening of the Historic Area and Wetlands to controlled access to public; and (iv) legal and monitoring and fees.

17.2 The monitoring and long term after care of the site are currently under the remit of the Environment Agency, under the environmental permit terms (permit ref: EPR/EP3135PE). Furthermore, the obligations relating to the

implementation of the Riverside Footpath became part of the Section 38 Legal Agreement signed in 07.12.2017. Therefore, these obligations are no longer necessary for permission to be granted and are proposed to be excluded in a Deed of Variation (DoV) referring to the current permission (ref. 20/2854/MA), if granted. The only obligations remaining would be the ones relating with the Historic Area and the Wetlands, along with the Legal and Monitoring costs relative to the DoV.

- 17.3 These remaining obligations were set out in Section 8 'Historic Area and Wetlands' of the S106 Legal Agreement dated 15.03.1996, which currently read as follows:

'Generally

8.1 The Historic Area and the Wetlands shall be preserved and improved by the Developer and shall be made safe for controlled access by the public following the carrying out of contamination remediation works and safety works to the Council's satisfaction and such works to the Historic Area and the Wetlands referred to in Clauses 8.2 8.4 8.6 shall be commenced immediately following the Completion of Cell 2

Preservation and Renovation of Arsenal Buildings

8.2 retain the Historic Area in its existing form in accordance with paragraph 4.5 of the Working Plan and in accordance with the submitted and approved outline scheme for the restoration and renovation of the Arsenal Buildings or any other scheme which may be submitted to the Local Planning Authority one year prior to the Completion of Cell 2 and which is approved by them and implement an approved scheme following the implementation of the groundworks scheme referred to in Clause 8.6 below

8.3 preserve the Historic Area and the Wetlands and safeguard from works being carried out on the Site in connection with Development by restricting access to these areas prior to the implementation of an approved scheme for public access as referred in Clause 8.7 below

The Wetlands

8.4 submit a scheme for the preservation and improvement of the Wetlands one year prior to the Completion of Cell 2 to the Local Planning Authority for approval the detailed design of which shall be in accordance with paragraph 4.6.2 of the Working Plan and which shall be implemented immediately following the implementation of the approved scheme for the Historic Area referred to in Clause 8.2 above

Public Access

8.5 submit a scheme for the carrying out of the groundworks to the Historic Area and the Wetlands one year prior to the Completion of Cell 2 to the Local Planning Authority for approval the details of which shall be in accordance with paragraph 4.6.2 of the working plan to the topography of and to clear these areas of contamination in order to provide a safe environment for controlled public access

8.6 an approved detailed scheme of groundworks as referred to in Clause 8.5 above shall be implemented immediately following the Completion of Cell 2

8.7 submit a scheme of controlled public access to the Historic Area and Wetlands including details of management arrangements fencing and security one year prior to the Completion of Cell 2 to the Local Planning Authority for approval and implement the approved controlled public access scheme following the implementation of the approved groundworks scheme restoration of Arsenal Buildings and the improvement of the Wetlands Schemes referred to in Clauses 8.2 8.4 and 8.6 above'

- 17.4 The key aspects from the s106 is to ensure the delivery of the benefits which were secured with the original planning application. It is the Council's view that any obligation should not be dependent on or link to any future development within Thamesmead area and can be delivered as an aspect on its own.
- 17.5 The key elements of the revised clause for the DoV are detailed as follows:
- The Scheme of Works for the Historic Area and Wetlands will be submitted to the Local Planning Authority for Approval within 4 years of the signing of the s106 Deed of Variation.
 - Following approval of the Scheme of Works by the Local Planning Authority, the Owner commits to implement and complete the Scheme of Works within 3 years from the date of its approval by the Local Planning Authority, (subject to the requirements of the Environmental Permit, in so far as these apply to the Historic area and Wetlands).
 - Provision for controlled public access to the Historic Area and Wetlands will be in accordance with a Management Statement, which is to be submitted to the Local Planning Authority for approval prior to its implementation, which will follow the completion of the approved Scheme of Works.

- 17.6 Officers consider that the principle of these changes are acceptable which allow the scheme to be delivered and provided independently of the Thamesmead Waterfront redevelopment. However, it is noted that the final detailed wording is subject to further consideration and advice by council legal officers.
- 17.7 Having outlined the above, it is considered that proposed changes to the clause are acceptable and would ensure the delivery of these planning benefits which were secured with the original planning application. The applicant has stated that their intention is to integrate the Scheme of the Works for the Historic Area and Wetlands with the design of the district park and the wider Thamesmead Waterfront, although the implementation and delivery are not dependent on this.

18.0 Implications for Disadvantaged Groups

- 18.1 The implications for disadvantaged groups identified below are an integral part of the consideration of the development and community benefits as set out in the report:
- The proposed development is estimated to create 20 jobs during re-contouring works;
 - The re-contouring of the site would allow appropriate aftercare requirements so to provide a future district park use in a park-deficiency area of the Borough.

19.0 Conclusion

- 19.1 The proposed amendments would allow for the reprofiling and early restoration of the landfill following its formal closure, which is considered necessary to deliver the site as open space and this is fully supported in policy terms. This approach is entirely consistent with the objectives for the overarching regeneration in particular the Thamesmead and Abbey Wood Opportunity Area Planning Framework 2020 (OAPF) and the Royal Borough of Greenwich Site Allocations Preferred Approach (2019) - Regulation 18 draft 2019.
- 19.2 In terms of its use, it is noted that Tripcock Point is not identified as a safeguarded waste site in either the Core Strategy with Detailed Policies or the South East London Joint Waste Technical Paper. Furthermore, the loss of this site has no implications for waste policy planning, as the council has no reliance on this site and officers are satisfied that the applicants have explored every option to fill the remaining capacity and have demonstrated that no compensatory measures are required following its closure.

19.3 The proposed reduction of the final level of the restored landfill has been assessed and is considered to cause less impact than the originally approved in 26.04.1994, with application ref: 92/1268/F. Furthermore, it is considered that the proposal would not impact on the nearby locally listed heritage assets or undermine the openness of the MOL with the proposal considered to be “appropriate” development.

19.4 Accordingly, it is recommended that permission is **GRANTED** for application reference **20/2854/MA**, in line with Section I of this report.

Background Papers

National Planning Policy Framework (2019)

London Plan (2021)

Royal Greenwich Local Plan: Core Strategy with Detailed Policies (Adopted July 2014)

Thamesmead and Abbey Wood Opportunity Area Planning Framework (2020)

Royal Greenwich Site Allocations

Preferred Approach (2019) – Regulation 18

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