

## LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

### PLANNING COMMITTEE MEETING: 12 April 2007

#### Planning Application for LTGDC's Determination

#### Report of the Director of Planning

**CASE NUMBER:** LTGDC-07-002-PP      **DATE MADE VALID:** 06/12/2006

**APPLICATION NO:** 06/02207/LTGDC      **TARGET DATE:** 07/03/2007

**APPLICANT:** Thames Water Utilities Ltd

**AGENT:** Thames Water Property

**PROPOSAL:** Temporary Materials Recovery Facility

**LOCATION:** Land at Beckton Rectangle, off Jenkins Lane, London IG11 OAD

### 1. SUMMARY

1.1 This is an application by Thames Water Utilities Ltd to install a materials recovery facility to recycle material from trench arisings from Thames Water's repairs, maintenance and installation of sewers and water mains. Planning permission is sought for a temporary period of 3 years. Whilst the proposal is a departure from Policy OS7 (Green Space Protection) of the London Borough of Newham Unitary Development Plan by reason of the loss of a former sports pitch, it is considered that the temporary loss will not significantly impact on the use and general availability of existing leisure facilities in the Borough. The proposal will result in the re-use of currently redundant land, and promote sustainable recycling and re-use of materials.

### 2. SITE AND PROPOSAL

#### 2.1 Description of Site & Surroundings

The site comprises some 0.64 hectares of former operational land known as Beckton Rectangle. The site incorporates a former sports pitch and social club premises which have not been used for approximately 3 years. It is bounded by the Beckton Sewage

Treatment Works to the east with Gallions Reach Shopping Park to the south. The River Thames is situated to the south.

The site is designated by the London Borough of Newham Unitary Development Plan (UDP) as Green Space to be Protected. It is also designated as a Major Opportunity Zone (M.O.Z. 15).

To the south of the site is an area of land which is designated in the UDP as a Protected Site of Nature Conservation Importance, and to the north of the site is a Safeguarded Waste Management Site and an area of Metropolitan Land.

The UDP also shows a proposed rapid transport link (East London Transit) running past the site along Jenkins Lane.

## 2.2 Description of Proposal

The proposal seeks approval for a temporary three year period for a materials recovery facility on land at Beckton Rectangle, off Jenkins Lane. The purpose of the materials recovery scheme is to recycle material from trench arisings from Thames Water's repairs, maintenance and installation of sewers and water mains.

The process is to bring Thames Water's trench arisings to the site and add Stabilised Material for Re-instatement (SMR) using the SMR machine and then return the recycled material (as a replacement for Type 1 primary roadstone) to the highway for re-instatement within the area it was excavated. The trench arisings will undergo a process of crushing and screening on site.

It is proposed that the site will have a throughput of less than 50,000 tonnes per annum of materials, and only inert wastes will be accepted at the site.

It is intended that this process will remove the need for primary aggregate quarrying (i.e. where the material needed for the infilling of trenches is dug from quarries, rather than re-used or recycled), reduce the number of vehicle movements from quarry to site, and prevent material going to landfill, which is the existing process. The applicants believe that the proposed process will be more efficient and sustainable as it will reduce the number and length of lorry movements to and from site. Any large material on site will be screened from the process to be saved on site until an adequate volume is available to crush (using a small mobile crushing plant).

In addition to the proposed plant it will be necessary to store material on site, up to a maximum of 7,500 tonnes at any one time. The material will be stored in two storage bays, each of approximately 2.5m in height. The main process area is to be surrounded and screened by a 3-metre high earth bund and therefore the process will be largely screened from any adjacent land uses.

In terms of the machinery used on site, the process comprises a modern jaw crusher equipped with a super silenced diesel engine, along with water spray equipment for dust suppression. There would be two different types of screening equipment - one finger screen which deals with the dirtier material and a 3-way split screen which grades the crushed aggregate into different sizes for foamed concrete and pipe bedding materials. The rejected dirtier/clayey material will make a new product called Ecobase which will be used in footpaths as a substitute for type one sub base. The only materials that will not be recycled will be any paper and wood which is found in the materials. The applicants have a company that deals with plastic independently, and any wood and metals found can also go for re-use.

The applicant has indicated that they would be willing to accept a planning condition

that requires the re-instatement of the land to its current state after the temporary consent expires.

### **3. MAIN ISSUES**

3.1 There are several issues which need to be considered. The main issues are the principle of the use of the land for a materials recovery facility; access to the site, parking, loading, and vehicular movements; noise, disturbance and visual amenity.

### **4. RELEVANT SITE HISTORY**

4.1 There are no relevant planning applications relating to the site.

### **5. CONSULTATIONS/NOTIFICATIONS**

#### **Initial Consultees:**

Environment Agency  
LBN - Environmental Health  
LBN - Transportation  
LBN - Regeneration and Projects  
LBN - Forward Planning (Policy)

#### **Additional Consultees:**

Sport England - a late consultation letter was sent to Sport England on 27 March 2007. The 21-day consultation period for this ends on 17 April 2007.

### **6. APPLICATION PUBLICITY**

**6.1 Site Notice Expiry:** **25/01/2007**

**6.2 Press Notice Expiry:** **31/01/2007**

#### **6.3 Neighbour Notification:**

There were no neighbour notifications sent.

#### **6.4 Departure:**

The application was advertised as a departure from London Borough of Newham's UDP.

### **7. REPRESENTATIONS**

#### **Summary of Representations Received:**

Environment Agency - Comments made that a condition should be included to ensure a 5m buffer strip is provided on site to protect and preserve the quality of the adjacent watercourse.

LBN Environmental Health - No objection, but recommendation of standard conditions relating to - no burning of waste, hours of operation, boundary enclosures, wheel washing facilities, and availability of water supplies.

LBN Regeneration and Projects - No objections.

LBN Forward Planning (Policy) - No objections.

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance:**

PPS1: Delivering Sustainable Development

PPG13: Transport

### **8.2 The London Plan (February 2004):**

Policy 2A.4 (Areas for Regeneration)

Policy 3C.1 (Integrating Transport and Development)

Policy 4B.3 (Maximising the Potential of Sites)

Policy 3C.22 (Parking strategy)

Policy 4A.6 (Improving Air Quality)

Policy 4B.1 (Design Principles for a Compact City)

Policy 4A.12 (Water Quality)

Policy 4A.14 (Reducing Noise)

### **8.3 LB Newham UDP & LDF:**

Proposals map – The site is located within the Beckton Gateway Major Opportunity Zone (M.O.Z.) which is known as M.O.Z.15. The M.O.Z. is identified as a Priority Development Node at the eastern gateway to the Borough and comprises 7 sites. The subject site is identified as Site 6 of M.O.Z.15 and is considered appropriate for a mixed employment based development including B1, B2, and B8 uses, plus supporting uses.

Policy S3 (Quality of Development)

Policy S4 (Sustainable Development)

Policy S24 (Employment)

Policy S25 (Industrial Development)

Policy EQ21 (New Development: Landscaping)

Policy T1 (Environmental Impact of Traffic Generated by New Development)

Policy T4 (New Development: Areas in Need of Major Highway/Public Transport Investment)

Policy T15 (Off-street Parking Standards for New Developments)

Policy UR26 (Beckton Gateway: Land Use Proposals (M.O.Z.15))

Policy OS7 (Green Space Protection)

Policy EQ45 (Pollution)

Policy EQ19 (Urban Design Considerations)

Policy EQ62 (Protection of the Flood Plain and Urban Washlands)

## **9. ASSESSMENT OF MAIN ISSUES**

The applicants did not request a formal screening opinion pursuant to Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 before the application was submitted. Following submission of the application it was considered that the proposal could fall under Item 11(b) of Schedule 2 of the EIA regulations as an “Installation for the disposal of waste”, where the area of development exceeds 0.5 hectares, and therefore it was considered necessary to adopt a screening opinion.

A screening opinion was adopted on 21 March 2007 which considered that the proposal is not likely to have a significant environmental impact on the local environment given its temporary nature, remoteness from residential properties, throughput of less than 50,000 tonnes per annum, site area of 0.64 hectares, and that the site will only accept inert wastes. Therefore, the view is that an Environmental

Statement is not required to be submitted with this planning application.

The main issues for consideration are the principle of the proposed use in this location, together with an examination of detailed aspects of the proposal.

The site is located within a Major Opportunity Zone (M.O.Z. 15) as designated by the London Borough of Newham UDP. M.O.Z.s have been allocated throughout the Borough in order to promote and facilitate the regeneration of Newham. M.O.Z. 15 comprises 7 sites and the subject site falls within Site 6 of M.O.Z. 15. Site 6 is seen as appropriate for a mixed employment based development including B1, B2 and B8 uses, plus other supporting uses. The UDP states that a business centre/office village, as part of a mixed use development, in the north and western sectors of Site 6, emphasising connections to the Beckton retail area and existing leisure development to the north will be encouraged, and any employment building in this location should be of high quality design and set within significant landscaping.

Given the temporary nature of the use, the proposal is not considered to compromise the future redevelopment potential of the M.O.Z.

In addition the former sports pitch, which has been redundant for approximately 3 years, is covered by a Green Space designation. Policy OS7 (Green Space Protection) of the UDP states that the Council will safeguard green space by permitting only suitable development for recreation, leisure or nature conservation purposes. Exceptions may be considered where (A) an equivalent or improved replacement facility can be provided in the locality; or (B) the redevelopment will not result in a loss of environmental amenity; or (C) where small green spaces outside areas of local park deficiency constitute an environmental nuisance, cannot reasonably be improved and do not meet local need.

With respect to Policy OS7, the application site is owned by Kennet Properties Ltd, a wholly owned subsidiary of Thames Water, and has not been used for any sporting purpose for approximately 3 years. As the site is privately owned, it is not open to the general public and therefore does not meet a local need. As such, the loss of this land for a temporary period of 3 years will not significantly impact on the use and general availability of existing leisure facilities in the Borough. A condition is proposed that would require the land to be returned to its former state at the end of any temporary period of consent.

Technically, the proposal is contrary to Policy OS7 and therefore a departure from the London Borough of Newham UDP. However, given that the proposed use is for a temporary period of 3 years, and that the land currently has no open space value, it is considered that the application is acceptable, and not a significant departure from Policy OS7. The application was advertised as a departure application, but no objections have been received to date, although a response is still awaited from a late consultee, Sport England. It is considered that the application would only need to be referred to the Government Office for London if an objection was received from Sport England relating to the loss of the the former sports pitch.

In terms of visual amenity, no new permanent buildings are proposed for this site, and instead the appearance of plant and vehicles will be the main visual alterations. The proposal is not located within any defined sensitive site. Furthermore, the proposed development should have no detrimental impact on views of the Sewage Treatment Works as it is set well within the existing land. The main process area will also be screened by a 3-metre high earth bund.

In addition to the main process area, the proposal intends to re-use the former social club building on the site as a temporary office and staff facility. The premises are fully

accessible and will be used by all staff on site and any visitors.

It is considered that the proposal will have little visual impact. A condition is proposed to ensure that the screening bund is removed at the end of the temporary period of consent, and the land returned to its former state.

The proposal will not create any significant noise, dust or odour problems and should not therefore impact on residential amenity. Particularly so, because the nearest residential property is approximately 1000 metres away to the north-east. However, as a precaution standard conditions relating to hours of use, wheelwashing, and no burning of waste, are proposed.

The Environment Agency initially objected to the proposal on the grounds that a Flood Risk Assessment (FRA) was required for the site. The applicants responded to this by providing a FRA for a wider area, which included the site. The assessment concluded that the site was considered to be at fairly low risk of flooding as it is protected against a 1 in a 1000 year fluvial event from the River Roding and the tidal event from the River Thames. Given this, and the nature of the proposed use, the proposal is acceptable in this context and the objection was removed.

In terms of vehicle movements and access, the proposal will increase the number of lorry movements to the site by a maximum of 20 per day on average. Given that this represents just over 2 vehicles to and from the site every hour there should be no significant impact on the surrounding road network. The site also benefits from being located in close proximity to the A13/A406 roundabout and can be considered to benefit from good transport links in terms of vehicular movements. Access to the land will be gained by utilising the existing crossover and access road which served the existing and now redundant social club buildings. In addition the proposal will employ 5 or 6 staff and the vehicular movements from the employees arriving and departing should again have no impact on the surrounding road network. Car parking, bicycle parking, and motorcycle parking spaces will be provided on site.

The applicant has proposed in the application working hours of 0800 to 1800 Monday to Friday. Given that the site is remote from residential properties and there is unlikely to be any significant impacts on the surrounding road network, it is proposed to permit standard working hours for an industrial development in a non-sensitive area that will also allow for Saturday morning working. The proposed hours of working would therefore be 0700 to 1800 Monday to Friday, and 0800 to 1300 on Saturdays. No works will be permitted on Sundays or Public Holidays.

To the south of the site is an area of land which is designated in the UDP as a Protected Site of Nature Conservation Importance. This land is in the ownership of the applicant and given its distance from the application site it is considered that the proposal is unlikely to have any adverse impact on the nature conservation site.

To the north of the site is a Safeguarded Waste Management Site and an area of Metropolitan Land, which are designated in the UDP. The proposal is not considered to have any adverse impact on these sites.

A proposed rapid transport link is shown on the UDP proposals map as running along Jenkins Lane past the site. This transport link is proposed as a potential further phase of East London Transit (ELT) which will run between Gallions DLR station and Barking. While Transport for London (TfL) were not formally consulted on this application, enquiries have been made with the relevant ELT Officers at TfL to ascertain details of the suggested works programme for the relevant phase of ELT in order to ensure the proposed temporary use would have no impact on TfL's programme of works. TfL have advised that "It is proposed that Phase 2 of the East London Transit (ELT) scheme will

be routed parallel and adjacent to the southbound lane of Jenkins Lane. Based on our current plans a transit stop will also be located opposite the entrance to the development site in question. We have no problem with the principle of the proposal for a temporary storage area subject to the caveat that any construction works do not impede on the construction work required for ELT Phase 2, which is currently scheduled between March 2012 and September 2013". On the basis of the advice from TfL and given that the proposal would be for a temporary 3 year period until 30/04/2010 there is considered to be no impact on TfL's programme of works.

Committee Members may also be aware that there have been ongoing discussions with Thames Water regarding their substantial land interests in the area and future proposals. Accordingly matters such as ELT will be raised in those ongoing discussions. Given the temporary nature of the proposal, there is unlikely to be any impact on ELT in this case.

## **10. CONCLUSION AND REASONS FOR APPROVAL**

AS A TEMPORARY USE FOR A MAXIMUM OF THREE YEARS, THE PROPOSAL IS NOT CONSIDERED TO BE CONTRARY TO THE SPIRIT OF EXISTING POLICIES, AND WILL RESULT IN THE RE-USE OF CURRENTLY REDUNDANT LAND, PROMOTING SUSTAINABLE RECYCLING AND RE-USE OF MATERIALS. THE PROPOSAL IS UNLIKELY TO HAVE ANY NEGATIVE IMPACTS IN TERMS OF VISUAL APPEARANCE, AMENITY, OR VEHICULAR MOVEMENTS. IT IS THEREFORE CONSIDERED THAT PLANNING PERMISSION SHOULD BE GRANTED.

## **11. RECOMMENDATION**

It is recommended that the Committee:

1. Delegate the application to the Director of Planning to approve planning permission for a temporary period expiring on 30/04/2010 subject to:
  - a. the conditions set out in this report; and
  - b. receipt of comments from Sport England relating to the loss of the former sports pitch and consideration of any comments/objection they may raise; and
  - c. referral to the Government Office for London as a departure application ONLY if an objection is received from Sport England relating to the loss of the former sports pitch and the LTGDC is still minded to grant permission.

## **CONDITIONS & REASONS:**

1. The permission hereby granted is only for a temporary period until 30/04/2010. By that date, all equipment, plant, machinery and vehicles shall be removed, the screening bund shall be removed, and the land returned to its former state to the satisfaction of the Local Planning Authority.

Reasons: The proposed use is only acceptable on a temporary basis. A permanent use would be contrary to the provisions of the London Borough of Newham's Unitary Development Plan (adopted June 2001) and the London Plan (adopted February 2004).

2. All works are to be completed in accordance with Drawing Number 2N6G-XX-00101 REV A received on the 6th December 2006 and prepared by Thames Water Utilities. No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawing, and to protect the local amenity with regard to Policy EQ19 (Urban Design Considerations) of the London Borough of Newham Unitary Development Plan (adopted June 2001), and Policy 4B.1 (Design Principles for a Compact City) of the London Plan (adopted February 2004). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. At no time shall any waste be burnt on site unless otherwise approved in writing by the Local Planning Authority.

Reasons: To prevent loss of amenity to neighbouring premises, prevent air pollution affecting the wider environment and with consideration to Policy EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.6 (Improving Air Quality) of the London Plan (adopted February 2004).

4. The use hereby permitted shall not be operated outside the hours of 07.00hrs to 18.00hrs Mondays to Fridays, and 08.00 to 13.00hrs Saturdays. No works shall be undertaken on Sundays or Statutory Holidays. No variation to the above hours shall be permitted without the prior written approval of the Local Planning Authority.

Reasons: To prevent loss of amenity due to noise occurring late at night or early in the morning and with consideration to Policy EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.14 (Reducing Noise) of the London Plan (adopted February 2004).

5. The enclosures around the site boundary (bundling, fencing, walling, etc) shown on the approved drawing and described in the application are to be completed prior to operation of the development and shall be permanently maintained thereafter.

Reasons: In the interest of public amenity, safety and security and to protect the visual amenity of the locality and with regard to Policy EQ19 (Urban Design Considerations) and EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4B.1 (Design Principles for a Compact City) of the London Plan (adopted February 2004).

6. Prior to the commencement of operation of the development hereby permitted, details of wheel washing equipment shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be maintained for the duration of the development at all vehicle exits to the site and shall be used to prevent the carriage of mud and other materials onto adjoining public roads.

Reasons: To safeguard the amenities of the area and prevent the blocking of drainage systems and with regard to Policy EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.6 (Improving Air Quality) of the London Plan (adopted February 2004).

7. Before development commences the applicant should provide scaled drawings that depict a 5.0m wide undeveloped buffer strip between the temporary development and top of bank of any Ordinary Watercourse to the satisfaction of the Local Planning Authority. The buffer zone should be measured from the bank top, defined as where

the surrounding ground level meets the slope of the channel bank and must be free of any structures. The development shall only be completed in accordance with any approval given.

Reasons: To protect and preserve the quality of the adjacent watercourse in accordance with Policies EQ45 (Pollution) and EQ62 (Protection of Flood Plain and Urban Washland) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.12 (Water Quality) of the London Plan (adopted February 2004).

8. Prior to the commencement of operation of the development hereby permitted, a continuous water supply shall be supplied to the site and used to minimise dust emissions. The supply shall be maintained for the duration of the development. The development authorised by the planning permission shall not be operated unless there is continuous water supply to the site.

Reasons: To safeguard the amenities of the area and with regard to Policy EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.6 (Improving Air Quality) of the London Plan (adopted February 2004).

9. The modern jaw crusher equipment to be used in connection with the development shall not be used unless it is fitted with a super silenced diesel engine.

Reasons: To prevent loss of amenity due to noise and with consideration to Policy EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan (adopted June 2001) and Policy 4A.14 (Reducing Noise) of the London Plan (adopted February 2004).

10. The parking area shown on Drawing Number 2N6G-XX-00101 REV A shall be provided prior to the commencement of operation of the development hereby permitted and maintained for the duration of the development.

Reasons: To ensure the provision of adequate off-street parking facilities and with regard to Policy T15 (Off-street Parking Standards for New Developments) of the London Borough of Newham Unitary Development Plan (adopted June 2001).

#### INFORMATIVES:

##### 1. Contamination Advice

The Local Planning Authority is unaware of any ground contamination on this site. However during ground works, should you find any unexpected materials such as buried barrels or containers, soil or water with an unusual colour or odour, or other evidence of contamination, for example iridescent sheens (like oil or diesel) on soil or water - stop work until the materials have been identified. Do not attempt to take samples yourself unless you have suitable expertise - use a specialist consultant or contractor who can take samples and arrange for them to be tested and provide you with appropriate expert advice.

The actual or suspected presence of contaminants in soil and water has implications for the Health and Safety during construction works. Contact the Health and Safety Executive Infoline Tel: 08701 545500 or Health and Safety Executive London Division Tel: 020 7556 2100 for further information. In addition professional advice should also be sought regarding possible requirements within the Building Regulations 2000 APPROVED DOCUMENT C: C1 Site preparation and resistance to contaminants.

The Environment Agency also has a number of relevant duties at sites where contamination may be an issue; these include waste management and the protection of water quality and resources. The Environment Agency General Enquiry Line is 0845 9333111.

If ground contamination is suspected it is recommended that the developer contacts the Environmental Health, Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF, Tel: 020 8430 3820 for advice and information. It is in the developer's interests to ensure that appropriate works are undertaken to make the site suitable for its use and that development will not result in designation of the site as 'contaminated land' under Part IIA of the Environmental Protection Act 1990 and thus become liable to a remediation notice under the contaminated land regime.

## 2. Risk from Buried Explosive Ordnance

The property lies within an area of the borough that has been identified as being at HIGH potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence.

## 3. Pollution Prevention and Control Regulations 2000

The proposed activities associated with the application will be subject to the requirements of the Pollution Prevention and Control Regulations 2000. The Regulations require the operator (i.e. the person/company who wishes to carry out the prescribed activity) to apply to the relevant regulating authority for an operating permit.

For the purpose of the regulations, the Local Authority regulates such installations. Carrying out a prescribed activity without an operating permit is an offence under the above regulations. The applicant is advised to contact Environmental Health on 020 8430 2000 (extension 25224) for information and advice. See also [www.defra.gov.uk](http://www.defra.gov.uk).

## 4. Control of Noise Output

All equipment brought onto site is to comply with EEC requirements in respect of noise output for that type of equipment current at the time of arrival on site.

## 5. Air pollution and noise from demolition or construction sites

Smoke:

Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health affects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served

prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the Local Authority can enforce by taking legal proceedings.

#### Dust:

Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles.

Washing the wheels of vehicles leaving the site if they are carrying mud or debris.

Erecting solid barriers to the site boundary.

Ensuring that lorries leaving the site carrying debris or waste are properly covered.

Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery.

Where demolition or construction is due to occur over greater than one week the contractor should provide the Local Authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed.

Under the Environmental Protection Act 1990, dust from a demolition or construction site may, like smoke, be a statutory nuisance. As above the Local Authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents "Control of dust from construction and demolition activities" and "Improving air quality in urban environments: Guidance for the construction industry".

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.  
[http://www.london.gov.uk/mayor/environment/air\\_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp)

#### Noise:

The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does makes a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8AM - 6PM Monday to Friday and 8AM - 1PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public

Holidays.

The Control of Pollution Act 1974 gives the Council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 Noise control on construction and open sites. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

General:

Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that Acts and Regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the Council as required by the Building Act 1984. This enables the Council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council, Building Control Service, on 020 8430 2000 or Email: [reception.bco@newham.gov.uk](mailto:reception.bco@newham.gov.uk).

If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Public Protection on 0208 430 3820 or [pollution.inquiry@newham.gov.uk](mailto:pollution.inquiry@newham.gov.uk).

## 6. Environment Agency Advice

Under the Land Drainage Act 1981 the prior written consent of the Environment Agency is required for any works causing an obstruction to the flow of any ordinary watercourse or to erect any culvert.

**CASE OFFICER:** Adele Williamson

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Site Layout Plan**