

LONDON BOROUGH OF HAVERING**TOWN AND COUNTRY PLANNING ACT 1990****AGENT**

Mr James Nicol
8 DevonshireSquare
London
EC2M4PL

APPLICANT

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8 DevonshireSquare
London
EC2M4PL

APPLICATION NO: P1498.24

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: The construction, operation and maintenance of a Battery Energy Storage System (BESS) with associated infrastructure and works including highway access, landscaping and biodiversity enhancements.

Location: Land Adjacent to St Mary's Lane, Ockenden
Upminster

The above decision is based on the details in drawing(s):

CST011-WAR1.0_revC
CST011-WAR2.0_revC
CST011-WAR3.0_revC
CST011-WAR3.1_revC
CST011-WAR4.0_revC
CST011-WAR4.1_revA
CST011-WAR5.0_revA
CST011-WAR6.0_revA
CST011-WAR7.0_revA
CST011-WAR8.0_revA
CST011-WAR9.0_revA
CST011-WAR10.0_revA

CST011-WAR11.0_revA

CST011-WAR12.0_revA

CST011-WAR13.0_revA

CST011-WAR14.0_revA

CST011-WAR15.0_revA

CST011-WAR16.0_revA

CST011-FS-01_revA

CST011-CA-01_revA

CST011-CA-02_revA

CST011-EL-01_revA

CST011-EL-02_revA

DR-001 SW STRATEGY

1643-003E Landscape Strategy

Planning Design & Access Statement (R002-PDAS); Historic Environment Desk-Based Assessment (R003-HEDBA); Flood Risk Assessment and Drainage Strategy (R004-FRA); R004-FRA Flood Risk Assessment Addendum R004 (Addendum)-FRA Addendum; Air Quality Assessment (R005-AQA); Landscape and Visual Appraisal (R006-LVA); Agricultural Land Classification Report (R007-ALC); Noise Assessment Report (R008-NAR); Construction Traffic Management Plan (R009-CTMP); Site Safety Report (R010-SSR); Biodiversity Net Gain Report (R011.b-BNG (Revision B)); Biodiversity Net Gain-Statutory Biodiversity Metric (PDF) (R011a.1-SBM); Biodiversity Net Gain-Statutory Biodiversity Metric (Excel) (R011b.1-SBM); Preliminary Ecological Appraisal and Breeding Birds Survey Report (R012-PEA); Tree Survey (R013-ARB); Tree Constraints Plan (R014-TCP); Statement of Community Involvement (R015-SCI).

subject to compliance with the following condition(s):

Note to Applicants:

Please take the time to read the conditions stated below carefully. Some may require you to seek the Council's approval prior to works beginning on site. The approval process can take a further 8 weeks from the date of submission and you are advised to incorporate this into your timetable.

*Please also check the informatives below to verify whether the scheme is liable for the Mayoral Community Infrastructure Levy. If the scheme is liable, **you are required to give notice of commencement in advance** so that a Demand Notice can be sent to you or any other person(s) that has/have assumed liability. The Levy is payable within 60 days of commencement. **If you are intending to claim self-build, social housing or charitable exemption, you must do this before development commences otherwise any exemption request will be disqualified.***

- 1 The development to which this permission relates must be commenced not later than five years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning

Act 1990.

- 2 The use of proposed development shall cease on or before (insert decision date) 2068
This planning permission is for a temporary period of 40 years from the date of first operation of the development hereby permitted. Written confirmation of the first import of electricity date shall be provided to the Local Planning Authority within one month after the event. At least 6 months before the planning permission is due to expire, a Decommissioning Method Statement (to include a timetable for implementation and a scheme to restore the land to its former condition) and a Decommissioning Landscape Plan shall be submitted to and approved in writing by the Local Planning Authority. All development and structures shall then be removed and the ground reinstated in accordance with the Decommissioning Method Statement and Decommissioning Landscape Plan.

REASON: In the interests of amenity and the character and appearance of the area and to ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 3 In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage System and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.

REASON: To enable the Local Planning Authority to retain control.

- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

REASON: For the avoidance of doubt and to ensure that the development is carried out as approved.

- 5 Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 6 ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL
RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology Appraisal and Breeding Bird Survey Report Rev B February 2025 (Clearstone Energy and Weddles) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk

of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 7 If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:
- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;
 - c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
 - d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

REASON: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

- 8 "A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to

oversee works.

f)Responsible persons and lines of communication.

g)The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h)Use of protective fences, exclusion barriers and warning signs.

i)Wildlife sensitive lighting for bats, Badger and other nocturnal species.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 9 "A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development .

The content of the LEMP shall include the following:

a)Description and evaluation of features to be managed.

b)Ecological trends and constraints on site that might influence management.

c)Aims and objectives of management.

d)Appropriate management options for achieving aims and objectives.

e)Prescriptions for management actions.

f)Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g)Details of the body or organisation responsible for implementation of the plan.

h)Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created."

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 10 a)Prior to the commencement of the development hereby approved, the developer or contractor must be signed up to the Non Road Mobile Machinery (NRMM) register.
b)The development site must be entered onto the register alongside all the NRMM equipment details.
c)The register must be kept up-to-date for the duration of the construction of development.
d)All NRMM used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition'

Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

e)An inventory of all NRMM to be kept on-site stating the emission limits for all equipment.

REASON: To reduce emissions from construction and demolition activities and comply with current NRMM emission standards, in accordance with the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) and any subsequent amendment or guidance

- 11 Prior to the commencement of any works on site, a detailed Dust Management Plan, shall be submitted to and agreed in writing by the Local Planning Authority setting out dust and emissions control measures to be employed on site, in accordance with the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction.

REASON: To reduce emissions from the demolition and construction of buildings and to comply with policy SI 1 of the London Plan.

- 12 The proposed soft landscaping scheme, as shown on the Landscape Plans (drawing number 1643-003E Landscape Strategy) by Weddles , shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. During the lifetime of the development hereby approved, any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, character of the area and potential visual impact.

- 13 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 30 years. This should include:
- a)Drawing/s showing the extent of the LMP
 - b) Written Specification detailing:
 - i. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
 - ii. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.
 - d) Mechanism for monitoring and review of the management plan and operations.

REASON: To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual aesthetic

- 14 No development shall commence on site until details of all earthworks have been submitted to

and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, existing vegetation and surrounding landform.. The development shall thereafter be carried out in accordance with the details approved under this condition.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site and consider and approve the precise scope of earthworks and levels in the interests of visual amenity.

- 15 The noise emitted from the site shall not exceed the maximum level detailed within the assessment Noise Assessment Report (Ref: R008 October 2024) by Clearstone Energy and NoiseAssess Ltd

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 16 A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment Report (Ref: R008 October 2024) by Clearstone Energy and NoiseAssess Ltd and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

REASON: To protect local amenity from adverse effects of noise.

- 17 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact;
 - v. Details of vehicle routing to the site
 - vi. Detailed site logistics arrangements;
 - vii. Details regarding parking, deliveries, and storage;
 - viii. Details of the measures to control the emission of dust, dirt and noise during construction;
 - ix. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
 - x. Communication procedures with the LPA and local community regarding key construction issues - newsletters, fliers etc.
 - xi. Vehicle tracking demonstrating that the largest vehicles associated with the construction process can access, egress and turn within the confines of the site.
 - xii. Details of the programme of works to secure the mitigation measures to improve visibility at the site access as recommended within the Construction Traffic Management Plan (Ref: R009, October 2024) by Clearstone Energy and Transport Planning Associates.
 - xiii. A pre-commencement and post-construction condition survey of the adjoining highway.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 18 Prior to commencement on site a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction. The scheme shall be implemented in accordance with the approved details and shall be installed and operational before any development commences and retained in working order throughout the duration of the development. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials shall be deposited on the public highway. Development shall be in accordance with the approved details.

REASON: In the interests of highway safety

- 19 No demolition or development shall take place until stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 investigation (WSI) then for those parts of the sites which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A.The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B.Where appropriate, details of a programme for delivering related positive public benefit

C.The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording).

- 20 No demolition or development shall take place until stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and

nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 investigation (WSI) then for those parts of the sites which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A.The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B.Where appropriate, details of a programme for delivering related positive public benefit

C.The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording).

- 21 Development shall be undertaken in accordance with the measures set out in the Flood Risk Assessment and Drainage Strategy Ref: E004 (Clearstone and RMA Environmental, October 2024) and FRA Addendum, dated 19th March 2025 and drawing number DR-001 SW STRATEGY (Surface Water Drainage Strategy (Revision A)

REASON: To ensure proper management of surface water in accordance with the approved details.

- 22 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To protect and prevent the pollution of controlled waters (Secondary A and Secondary (undifferentiated) aquifers, Source Protection Zone 3 and adjacent Main River) in line with National Planning Policy Framework (NPPF 2024; paragraph 187), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018, version 1.2) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed sustainable drainage systems (SuDS).

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters (Secondary A and Secondary (undifferentiated) aquifers, Source Protection Zone 3 and adjacent Main River) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2024; paragraph 187), EU Water 2 Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2018, version 1.2) A4 - A6, J1 - J7 and N7.

- 24 Operational hours of any construction activity, including vehicle movements to and from the site shall be restricted to 8am to 6pm Monday to Friday and 8am to 1pm Saturday, and at no time on Sundays or Bank and Public Holidays.

REASON: To minimise the impact of the development on the surrounding area in the interests of amenity.

- 25 Notwithstanding the approved Site Safety Report, dated October 2024, the site shall be operated in accordance with the technical and safety information within the Outline Battery Safety Management Plan to be submitted. The Plan shall include a Tactical Information Record and Emergency Response Plan for the site, and the avoidance of firefighting products (e.g. Aqueous Film Forming Foam) containing perfluoroalkyl and polyfluoroalkyl substances where possible. This shall be submitted to and approved in writing by the local planning authority prior to the first operation of the site. The development shall be implemented and operated in full accordance with the approved Outline Battery Safety Management Plan throughout the life of the development.

REASON: In the interests of health and safety to personnel and members of the public and to protect the rural land form.

- 26 No development shall commence until a tree protection scheme for the import and export of electricity to and from the site, including routes of pipes and cables has been submitted to and approved in writing by the Local Planning Authority. The connection infrastructure shall be constructed in accordance with the approved details prior to the development being first brought into use.

REASON: To ensure the protection of trees during development to improve in the interest of visual amenity.

- 27 The development hereby permitted shall not be brought into use until the Fire Brigade access to the site within the limits of the public highway has been constructed and completed in accordance with approved plans.

REASON: In the interests of safety and access for emergency vehicle and personnel.

INFORMATIVE(S)

- 1 Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the

proposal against all material considerations, including planning policies and any representations that may have been received and subsequently of sustainable development, as set out within the National Planning Policy Framework In accordance with para 38 of the National Planning Policy Framework 2024.

- 2 A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended); a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse is needed
- 3 The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised works on the highway is an offence.
- 4 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 08000093921 so to ensure that the surface water discharge from the site shall not be detrimental to the existing sewage system.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is -Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex CM3 8BD Tel - (03457) 820999.

- 5 The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.
- 6 Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and

there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

"Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority, and
- b. the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be INSERT LPA.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply."

- 7 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert including any buried elements (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Date: 5th August 2025



Helen Oakerbee
Director of Planning

London Borough of Havering
Town Hall, Main Road
Romford RM1 3BB

IMPORTANT - attention is drawn to the notes overleaf

NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House. 2 The Square. Temple Quay. Bristol BS1 6PN or from the Planning Inspectorate's web site,

www.planning.inspectorate.gov.uk

2. When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, Town Hall, Main Road, Romford, RM1 3BB. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
4. In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
5. The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to discharge of conditions in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06/04/2008. A fee of £116 per request (or £34 where the related permission was for extending or altering a dwellinghouse) will be required.