

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)
(As amended by the Planning and Compensation Act 1991)**

FROG ISLAND, FERRY LANE, RAINHAM, RM13 9YH

ENFORCEMENT REFERENCE: ENF/559/20

ENFORCEMENT NOTICE

ISSUED BY: London Borough of Havering (herein after referred to as “the Council”)

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(a) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

The Land known as **Frog Island, Ferry Lane, Rainham, RM13 9YH**, shown edged in black on the attached plan (the Land) and is registered under Land Registry Title Numbers **BGL144233, BGL120353, EGL157629, EGL391125, BGL87904, BGL146247.**

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

1. Without the benefit of planning permission, the material change of use of the Land from use for storage to a waste management facility importing, processing and exporting waste materials;
2. Without the benefit of planning permission, operational development through the siting of stacked shipping containers on the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control in relation to the material change of use has occurred within the last ten years.
2. It appears to the Council that the above breach of planning control in relation to the operational development has occurred within the last four years.
3. The use of the Land for open air waste storage and processing results in dust pollution which adversely affects the amenity of those working in and adjacent to the area. In accordance with the relevant planning policies below, activities likely to generate dust should be fully enclosed. In this respect, the unauthorised use of the Land is contrary to the London Plan March 2021 (the London Plan) Policies

SI1 and SI8, the Havering Local Plan November 2021 (the Local Plan) Policy 34 and the Joint Waste Development Plan Document for the East London Waste Authority Boroughs November 2011 (the JWDPD) Policy W5.

4. The use of the Land for waste storage and processing of building materials, including the stockpiling of materials, stacking of shipping containers, complete lack of landscape/urban greening, dust effects and mud on surrounding roads results in a visually obtrusive development which detracts from the visual amenity of the area and views of the Land. In this respect, the unauthorised use of the Land is contrary to the London Plan Policies SI8 and G5, the Local Plan Policies 19, 26 and 27 and the JWDPD Policy W5.
5. Without a detailed transport assessment, which would be required to accompany any planning application, and due to the lack of control over throughput and vehicle movements, the use for waste storage and processing of building materials would result in unacceptable impacts on the highway network. The lack of adequate wheel washing facilities results in dangerous highway conditions through mud being deposited on roads. In these respects, the unauthorised use of the Land is contrary to the London Plan Policies T4, SI15 and SI16, the Local Plan Policies 23 and 31 and JWDPD Policy W5.
6. The use of the Land for waste storage and processing of building materials fails to provide any enhancement to biodiversity contrary to the London Plan Policy G6, the Local Plan Policy 30 and the JWDPD Policy W5.
7. The use of the Land for waste storage and processing of building materials fails to provide a riverside walk for the public contrary to Policy SI16 of the London Plan and Policy 31 of the Local Plan.
8. The Council does not consider that planning permission should be given to the unauthorised development because conditions attached to any consent would not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

1. Cease the unauthorised use of the Land for waste processing; and
2. Cease the importation of waste materials onto the Land; and
3. Remove from the Land all shipping containers, skips, chemical storage containers, retaining structures, plant, machinery, building materials, aggregate, cement, waste material, weighbridges, vehicles and trailers not associated with the authorised use of the Land for storage (B8); and
4. Remove all resultant building materials and debris from the Land as a result of taking steps 1- 3 above.

6. TIME FOR COMPLIANCE

The requirements in paragraph 5 shall be completed within **four calendar months** from the date when this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **18th August 2022** unless an appeal is made against it beforehand.

Dated: **18th July 2022**

Signed: 

Simon Thelwell, Head of Strategic Development, Planning Service
Authorised Officer on behalf of London Borough of Havering, Town Hall, Main Road,
Romford, RM1 3BB

Nominated Officer to contact regarding this Notice: **George Atta-Adutwum**

Telephone Number: **01708 432157**

Email: George.Atta-Adutwum@havering.gov.uk

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) before the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The address of the Land.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

GROUNDINGS OF APPEAL

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may have been constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

Should you wish to appeal on ground (a) of section 174(2) of the TCPA 1990 - that planning permission should be granted for the unauthorised development or use, then a fee of **£4056** is payable to the Council when the appeal is lodged. If this fee is not paid, the planning merits of the appeal will not be considered by the Planning Inspector.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

WHAT HAPPENS IF AN APPEAL IS NOT RECEIVED

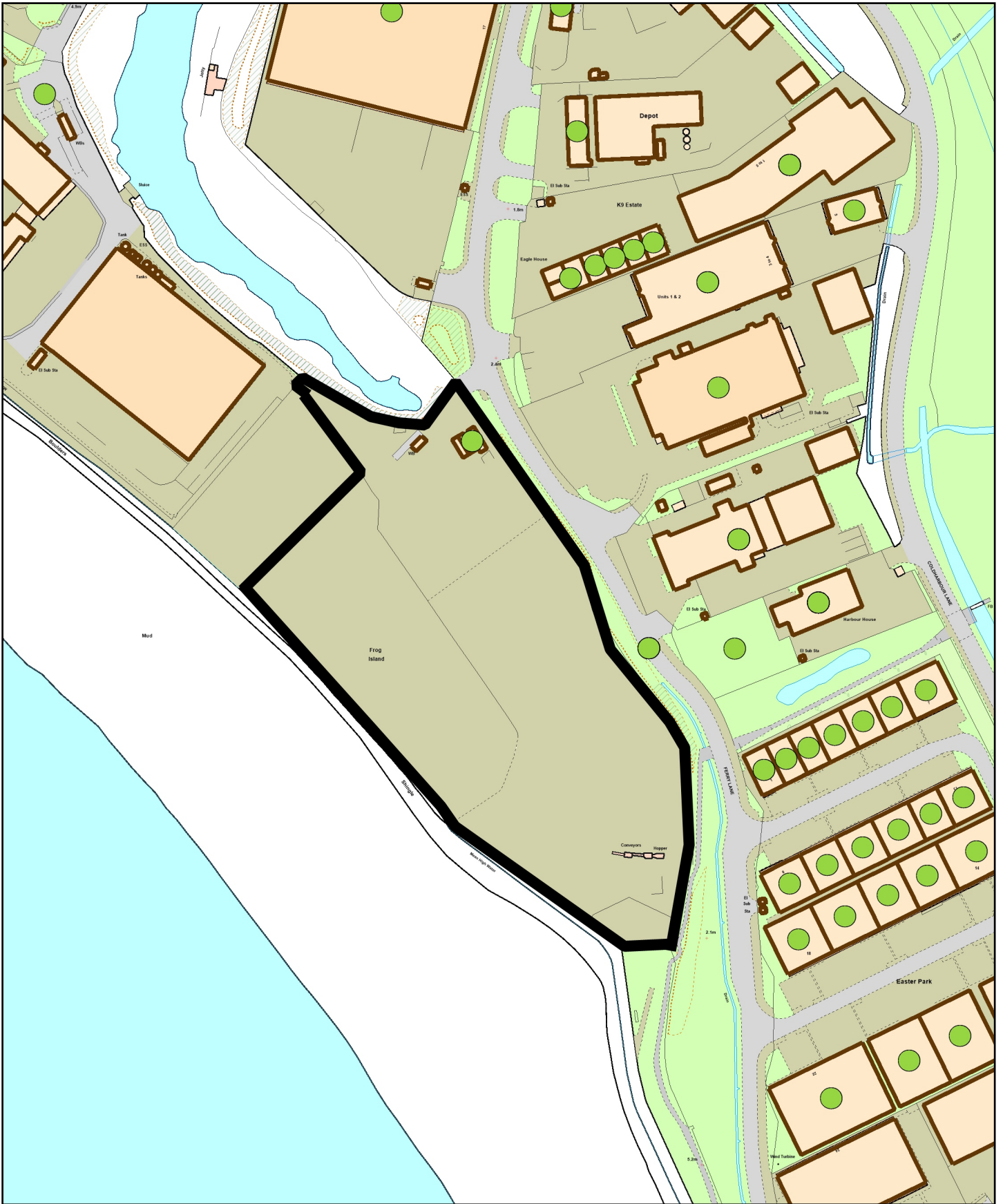
If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice.

FAILURE TO COMPLY WITH AN ENFORCEMENT NOTICE WHICH HAS TAKEN EFFECT CAN RESULT IN PROSECUTION AND/OR REMEDIAL ACTION BY THE COUNCIL.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

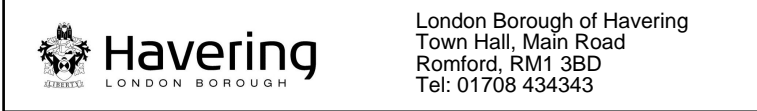
1. Owner(s) of Frog Island, Ferry Lane, Rainham, RM13 9YH.
2. Occupiers of Frog Island, Ferry Lane, Rainham, RM13 9YH.
3. S.Walsh & Son Limited, Ferry Lane, Rainham, RM13 9YH
4. Company Secretary, Renewi UK Services Limited of Dunedin House, Auckland Park, Milton Keynes, Buckinghamshire, MK1 1BU
5. Company Secretary, Stapleford Frog Island Limited of Charles Lake House Claire Causeway, Crossways Business Park, Dartford, England, DA2 6QA
6. Alliance & Leicester Limited of Carlton Park, Narborough, Leicester, LE19 0AL
7. S.Walsh & Son Limited of Unit 10 Goldsmith Way, Eliot Business Park, Nuneaton, Warwickshire, England, CV10 7RJ
8. Environment Agency of Kings Meadow House, Kings Meadow Road, Reading, Berkshire RG1 8DQ and of DX121325, Reading, 10 and of Horizon House, Deanery Road, Bristol BS1 5AH.



Frog Island, Ferry Land, Rainham, RM13 9YH



Scale: 1:2500
Date: 14 July 2022



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 Ordnance Survey 100024327

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

Enforcement appeal: information sheet for local planning authorities

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1
6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.