Planning Inspectorate

Appeal Decision

Inquiry opened on 11 March 2025

Site visit made on 14 March 2025

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 1st April 2025

Appeal Ref: APP/B5480/C/22/3305409
Frog Island, Ferry Lane, Rainham, Essex, RM13 9YH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) by S Walsh & Son Limited against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 18 July 2022.
- The breaches of planning control as alleged in the notice are: 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; and 2. Without the benefit of planning permission, operational development through the siting of stacked shipping containers on the Land.
- The requirements of the notice are: 1. Cease the unauthorised use of the Land for waste processing; 2. Cease the importation of waste materials onto the Land; 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.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected as follows:

   · In Section 2, by deleting the description of the land affected and replacing it with: “The Land known as Frog Island, Ferry Lane, Rainham, RM13 9YH, shown edged in red on the attached plan (the Land)”;

   · In Section 3, by deleting Section 3.1 and replacing it with: “Without the benefit of planning permission, the material change of use of the Land from use for storage to use for the storage of materials, including vehicles, equipment and inert waste, and activities associated with a waste management facility, namely the importing, processing and exporting of inert waste materials”;

   · In Section 5, by deleting section 5.1 replacing it with the words “Cease the use of the land for the storage of materials, including vehicles, equipment and inert waste, and activities associated with a waste management facility, namely the importing, processing and exporting of inert waste materials.”

   · by substituting the plan attached to the notice with the plan attached to this decision.

2. Subject to these corrections:

- the appeal on ground (a) is allowed in part and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for *Use for the storage of materials, including vehicles, equipment and inert waste, and activities associated with a waste management facility, namely the importing, processing and exporting of inert waste materials* at Frog Island, Ferry Lane, Rainham, RM13 9YH, subject to the conditions set out in the Schedule of Conditions attached to this decision.

- the appeal on ground (a) is dismissed insofar as it relates to operational development through the siting of stacked shipping containers on the Land, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

- the appeals on grounds (c), (f) and (g) are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appeal concerns the use of approximately 2.78ha of land on the northern bank of the Thames within an industrial area. The land is laid to hardstanding and is considered to have a lawful use for storage, Use Class B8 of the Use Classes Order (UCO). The appellant took occupation of the site in February 2018 and instituted the current use. A Statement of Common Ground (SOCG) between the appellant and the Council considers that a more accurate description of the use than that set out in the enforcement notice is "use for the storage of materials, including vehicles, equipment and inert waste, and activities associated with a waste management facility, namely the importing, processing and exporting of inert waste materials." I shall therefore correct the notice to reflect that, which does not cause injustice to the main parties. It was agreed also that the operational development enforced against, that is the boundary treatment comprising stacked shipping containers, is integral to that use.

4. The waste processing use has the benefit of an environmental permit authorising the storage, crushing and screening of up to 209,000 tonnes of construction and demolition waste to produce soil, soil substitutes and aggregate. The permitted area covers much, but not all, of the appeal site.

5. As issued, the plan attached to the enforcement notice outlining the Land the subject of the notice includes a strip of land alongside the Thames seawall which is the property of the Environment Agency (EA), the appellant having inadvertently encroached on their land[1]. Any use of that land has now ceased and it is separately enclosed. There is also an adjoining parcel of land which is outside the appellant's boundary treatment, banks of shipping containers in that location. That parcel contains a building with mounted radar apparatus. I consider it appropriate in the circumstances to amend the plan attached to the enforcement notice so as to exclude those parcels of land, which now clearly fall outside of the land on which the use enforced against is continuing and for which planning permission is sought on the deemed planning application.

6. The description of the Land in section 2 of the notice also makes reference to Land Registry title numbers and, aside from the parcels noted above, it is not clear to me that these accurately describe the land occupied by the appellant upon which the

[1] The EA has also appealed the notice. That appeal is the subject of a separate decision, ref. APP/B5480/C/22/3305398.

use is taking place, which is the appropriate planning unit for the purposes of the notice. For clarity I will also amend the description of the Land in section 2 of the notice to exclude reference to the Land Registry titles. These corrections and amendments can also be made without injustice.

7. The notice was also appealed on grounds (d) and (e), but these have now been withdrawn. The Secretary of State has considered whether the matters alleged are development requiring Environmental Impact Assessment, but having taken into account the criteria in Schedule 3 to the Regulations[2], she has concluded that the alleged matters would not be likely to have a significant effect on the environment and has issued a Direction to that effect.

Ground (c)

8. An appeal on ground (c) is that the matters enforced against do not constitute a breach of planning control. Given that the land has a lawful storage use, it is argued that, in essence, elements of the use enforced against that comprise storage, either of shipping containers, waste or waste products, or ancillary uses, are not a breach of planning permission. However, it is common ground that the use enforced against is a mixed use, as described above. A mixed use is a single use for planning purposes, and it is not correct to decouple elements of it[3]. The use of the site is the single mixed use with all its component activities. These include the activities associated with the waste management facility, which in simple terms have planning consequences which differ materially from storage use. The use must be considered as a whole. It is a material change of use from the former B8 use and hence requires planning permission. No cogent contrary argument has been made. In the absence of planning permission the use constitutes a breach of planning control.

9. So far as the operational development enforced against is concerned, the structure formed by the 35 metal shipping containers located on the site boundary is acknowledged by the appellant to be operational development and not storage. Its primary purpose is as boundary treatment with dust containment and a noise attenuation function. It is also agreed that it is integral, rather than fundamental, to the material change of use. Operational development requires planning permission, and there is none. As such it is not arguable that it does not constitute a breach of planning control.

Ground (a) and the deemed planning application

10. This ground is that planning permission should be granted for the matters enforced against. So far as the use alone is concerned, the enforcement notice was issued because the Council considered that it generates dust pollution which adversely affects the amenity of nearby workers and premises, because it detracts from the appearance of the area, because of the potential harm to the highway network, and the failure to provide biodiversity enhancement and safeguard land for a riverside walk contrary to development plan policies. In the course of the appeal questions about the need for the facility were also raised.

11. The provision of a Transport Assessment prepared for the appellants following scoping consultation with the Council has satisfactorily resolved the concerns of the

[2] Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017)
[3] R (oao) East Sussex CC v SSCLG [2009] EWHC 3841 (Admin).

Council and the Highway Authority in respect of the impact of the use on the highway network in terms of capacity and safety. An Ecological Walkover Survey, BNG Assessment and Biodiversity Enhancement Strategy submitted by the appellant has shown that the relevant development plan requirements can be met, and the Council now agrees that it can be assured that the use would not compromise the future provision of a riverside walk.

12. At the opening of the Inquiry the principal matter of concern between the parties was the effect of dust emissions from the site on the occupiers of nearby business premises to the east and south-east of the site, including Easter Industrial Park (EIP). EIP participated in the Inquiry as a Rule 6[4] party. There is a history of complaints from those premises about the impacts of dust from the site, both to the Council and the EA. Mr Cowan, whose business is the one of the closest, explained that problems with dust had escalated over the years from mild inconvenience to a situation where cars parked outside the factory were routinely covered in a thick layer of dust and workers needed to keep windows closed. His recollection is that the significant increase in dust problems dated from about 2019. Mr Brown, whose business operates from EIP, notes similar problems, though the issue has had less impact more recently, which he attributed to seasonality and an apparent reduction in throughput.

13. However, there has in fact been a significant recent change in how the site operates. Following what it described as repeated complaints about dust and site visits in April, June and September 2024, the EA issued an Enforcement Notice[5] on 19 September 2024 upon determining that the operation was causing “pollution causing offence to human senses and impairing or interfering with the amenities and other legitimate uses of the environment”. It found that the operation was in breach of condition 3.1.1 of the environmental permit which requires that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator had not been using all appropriate measures to control emissions, including some specified in the approved Emissions Management Plan (EMP) for the site.

14. Among other things, on 5 September it was observed that drop heights from conveyors were approximately 5m whereas the maximum height specified in the EMP was 2.56m, stockpiles were approximately 5m high contrary to the EMP maximum height limit of 3m, and dust netting had not been installed along the entire north-east boundary as required by the EMP. This accords with photographs taken of operations by occupiers of nearby businesses in 2021 in which plant can be seen working on stockpiles that appear much higher than the stacked containers on the boundary of the site. Clearly the operation has been in breach of the permit for some time, and it is likely that a failure to comply with the permit, including the EMP for the site, has caused, or significantly contributed to, dust pollution sufficient to result in the high volume of complaints.

15. That said, the appellant has taken action in response to the EA enforcement notice such that the EA is now satisfied that it is no longer in breach of the permit conditions. The enforcement notice was withdrawn on 21 February 2025. Prior to this the Compliance Assessment Report (CAR) for the EA site visit of 10 February 2025 recorded no permit breaches, and the steps required by the notice had all

[4] Rule 6(6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (Statutory Instrument 2000/1625)
[5] Regulation 36, Environmental Permitting (England and Wales) Regulations 2016

been completed, as had some additional dust suppression measures. While no dust emissions were witnessed, the EA did note that weather conditions were favourable to dust suppression, but it is recorded on the CAR that in the event of dust emissions egressing the site in the future it will consider enforcement action. Photographs in the CAR showed the site to be in good order, and that accords with my observations during the accompanied site visit following the Inquiry. The stockpile heights were all below 3m, extensive use was being made of 'lego blocks' bays oriented to shelter stockpiles from prevailing winds, plant and machinery were operating at ground level, and dust suppression measures on the site boundary were in use. The site overall appeared to be operating efficiently and effectively.

16. The changes to site operations leading to the withdrawal of the EA enforcement notice, the documentary evidence of which was provided on the second day of the Inquiry, led the Council to conclude that the operation of the site is capable of being carried out without causing material adverse impacts on amenity, noting that the operation is now very different to how it was when enforcement action was taken. The Council therefore withdrew its objection to the use, subject to the imposition of appropriate conditions, the principles of which were agreed with the appellant. Such conditions would include requirement for the submission, approval and implementation of a suitable Dust Management Plan (DMP) which would avoid future dust impacts on neighbouring occupiers. The need for the facility is obviously no longer contested.

17. So far as the operational development comprising the stacked shipping containers along the site boundary is concerned, the appellant has agreed a condition allowing for the submission for approval by the Council of a Site Development Scheme (SDS) which will involve the removal of that operational development and its replacement with a suitable boundary treatment. The deemed planning application therefore no longer seeks its retention.

18. EIP however sustain their objection to the use of the site as an open air construction, demolition and excavation waste recycling operation on the basis that dust emissions from the site affecting their properties and occupants can only be prevented if the dust-generating operations are carried out inside a building. Their position is that the site is simply too close to the neighbouring business premises to process concrete-based waste without material dust impacts. They also maintain that the dust impacts that they have already experienced should be considered as having health implications in addition to nuisance.

19. Much of the EIP evidence is focussed on its claim that the dust monitoring evidence presented by the appellant, which indicated that dust levels recorded at the site boundary were well within the national objectives for particulate matter (PM_{10} and $PM_{2.5}$) and significantly below the occupational exposure limits for people in their workplaces, was not fit for purpose. Criticism was made of the monitoring equipment employed and sampling locations. However, the monitoring was in any case conducted over winter months and at a time when the operation was being brought back into permit compliance, so it is not surprising that significant off-site effects were not predicted. But there is ample evidence in any case that when the site was operating outside of permit conditions there were adverse effects on neighbours. Having said that, there is not evidence that a well managed and monitored use of this type would not be able to operate in this location without harmful effects.

20. The conditions now agreed by the main parties would require the Council's approval of any future monitoring programme in any case, and would specify equipment standards which I consider should overcome EIPs concerns in that respect. A further DMP, which will be subject to review, would also include triggers for dust suppression measure and for ceasing operations if needs be. It would include a requirement for record keeping, such records to be available to the Council and to a Liaison Committee which would include representatives of local businesses. These and other measures, including dispute resolution, which would be required to be included in the DMP are aimed at avoiding the situation that arose when the facility was effectively operating outside of its permit conditions, and I am satisfied that they will ensure that the unsatisfactory situation that persisted until the EA took enforcement action will not re-occur. Preventing the development of significant dust pollution outside of the site will also ensure that the operation will not materially increase the risk to human health of respirable particles.

21. Overall, I am satisfied that the development has caused harm to the amenity of the neighbourhood through dust pollution, but I consider that the comprehensive conditions agreed between the appellant and the Council, with input from EIP and refined at the Inquiry, are sufficient to ensure that the operation is conducted in a manner that will avoid adverse impacts on neighbouring properties and their occupiers in the future.

22. In addition to the DMP requirement, other conditions necessary to make the development acceptable in terms of local amenity include restrictions on waste type, stockpile height, load covering, hours of operation and noise minimisation. A Site Development Scheme, including means of enclosure and wheel washing, is necessary in the interests of local character. Ecological enhancement, air quality measures and safeguarding of land for a potential riverside walk are development plan requirements, while a Travel Plan is required for sustainability purposes.

23. I shall therefore grant planning permission for the use, which I find to be acceptable, subject to appropriate planning control, and the appeal on this ground succeeds to that extent. It would accord with the development plan as a whole. However, the existing operational development causes unacceptable harm to local character and will not be approved. I shall issue a split decision, granting permission for the use but refusing permission for the operational development. In these circumstances it is appropriate to uphold the enforcement notice. The effect of Section 180(1) of the 1990 Act provides that the notice shall cease to have effect so far as inconsistent with that permission.

Ground (f)

24. The purpose of the enforcement notice is to remedy the breaches of planning control. In these circumstances an appeal on this ground is that the steps required exceed what is necessary to remedy the breaches. What is sought is the variation of the requirements so that only components that are in themselves unlawful or unacceptable in planning terms remain the subject of the requirements. However, to vary the notice in that way would likely have unintended consequences. It would amount to under-enforcement and lead to an unconditional deemed planning permission for some matters by virtue of Section 173(11), which would not be acceptable.

25. Lesser steps that would remedy the breaches of planning control alleged in the notice have not been put forward, and it follows that the appeal on this ground cannot succeed.

Ground (g)

26. Under this ground the appellant sought 8-12 months to comply with the notice, partly to enable them to find an alternative location. Following the partial success on ground (a) that is not necessary, nor are the other requirements that are inconsistent with the grant of planning permission. In reality it is only the removal of the stacked shipping containers forming the boundary treatment that is necessary to comply with the notice, and no reason has been given why that could not be achieved within the specified period.

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Goatley KC

He called

Nigel Mann Tetra Tech Planning

Mark Walton, Tetra Tech Planning, joined the discussion on conditions

FOR THE LOCAL PLANNING AUTHORITY:

Charles Streeten

He called

Mike Richardson LBH

Simon Thelwell, LBH Head of Strategic Development, joined the discussion on conditions

RULE 6 PARTY - EASTER INDUSTRIAL PARK (EIP):

Gordon Allison DustScanAQ

INTERESTED PARTIES:

Michael Cowan Thermit Welding (UK) Ltd

David Brown 8A Management Ltd, and DAB Lift& Electrical Services Ltd

DOCUMENTS

1. Appearances and opening statement – appellant
2. Opening statement – Council
3. Speaking note – Cowan
4. Speaking note – Brown
5. Site visit request – R6
6. Environment Agency Reg 36(7) notice and associated documents
7. IAQM construction dust guidance January 2024 – Council
8. GLA dust control SPG – Council
9. Revised list of conditions
10. Proposed dust control condition and supporting document – R6
11. Closing submissions – Council
12. Closing submissions – R6
13. Closing submissions – appellant

SCHEDULE OF CONDITIONS

1) No waste other than inert construction, demolition and excavation waste, as specified in Environmental Permitting (England and Wales) Regulations 2010 Permit number EPR/EB3004CE, shall be imported or processed on the site. From the date of this permission the operators shall maintain records of their monthly throughput, by waste code, and shall make them available to the Waste Planning Authority within 14 days, upon request.

2) Stockpiles of materials within the site shall not exceed 3 metres in height.

3) All loaded HGVs accessing or egressing the site shall be securely sheeted.

4) The ecological mitigation and enhancement measures set out within the Biodiversity Enhancement Strategy dated 7th February 2025 (Option A), or an alternative scheme submitted to and approved in writing by the local planning authority (Option B), shall be implemented within 6 months of the date of this permission (Option A) or such time as may be agreed in writing by the Local Planning Authority (Option B) and maintained for the duration of the development. Any tree or shrub forming part of a landscaping/ecological mitigation and enhancement scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the planting measures shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub of the same size and species, or of an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Local Planning Authority.

5) Best practicable means shall be used to minimise noise from the site, which shall include all vehicles, plant and machinery being operated and regularly serviced in accordance with the manufacturer's instructions, with engine covers closed and efficient silencers fitted to exhausts.

6) The delivery of waste materials and the removal of processed materials shall take place only between:
05.00 to 20.00 Monday to Friday and 6.00 to 17.00 Saturdays
There shall be no working on Sundays, Bank and Public Holidays except in an emergency or with the prior written approval of the Local Planning Authority.

7) In the event of a failure to meet any one of the requirements set out in (i) to (iv) below ("the relevant events"):
(a) the use hereby permitted shall cease within 28 days of the relevant event and
(b) 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) together with any other materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 months of the relevant event:
   (i) Within three months of the date of this decision, submit to the Local Planning Authority for approval a Dust Management Plan (DMP) for the operation of the

site, such plan to include details of the following (which would be undertaken at the operator's expense):

a. Dust suppression methodology including a definitive set of criteria (inclusive of both measured levels of dust / particles / materials and meteorological conditions) when either dust suppression will be triggered and/or when loading/unloading and processing of material will cease;
b. An ongoing continuous monitoring regime of total suspended particles, PM_{10} and $PM_{2.5}$, using an indicative MCERTS instrument with heated inlet and with alerts sent to the operator;
c. Measures to ensure daily logging of meteorological conditions (including, precipitation, wind speed and direction, temperature and humidity) and employment of any dust suppression measures and cessation of works;
d. Measures to ensure that measurement information is recorded and available to the Local Planning Authority and the Community Liaison Committee members;
e. Circumstances where the criteria agreed in a. above are exceeded, the DMP will be revised and such revisions approved by the Local Planning Authority in writing, outlining additional mitigation measures;
f. The frequency of the review of the DMP, with the first review to be no more than 12 months from approval of the DMP;
g. Provision of annual calibration certificates and maintenance logs;
h. A Community Liaison Committee (to include representation of the local community as so far is practicable);
i. Measures to resolve any dispute over source apportionment of the dust, in a timely manner, including independent laboratory testing or further detailed analysis;
j. Provisions for remediation of off-site soiling resulting from dust emissions from the site, together with dispute resolution.

(ii) Within 11 months of the date of this decision, the DMP should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the DMP or fail to give a decision within the prescribed period, an appeal should have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted DMP should have been approved by the Secretary of State.

(iv) The measures approved in the DMP shall have been carried out and completed in accordance with the approved timetable.

The operations/measures/works comprised in the DMP shall be retained for the duration of the use of the site and development. The dust suppression measures or cessation of activities (as appropriate) shall be employed where the criteria, as set out in the approved DMP, are met.

8) In the event of a failure to meet any one of the requirements set out in (i) to (iv) below ("the relevant events"):
(a) the use hereby permitted shall cease within 28 days of the relevant event and
(b) 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) together with any other materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 months of the relevant event:

(i) Within three months of the date of this decision, submit details of the internal layout of the Site, hereafter referred to as the Site Development Scheme (SDS), including the layout and design of the storage areas, processing areas, access routes, parking and manoeuvring areas, means of enclosure to replace the current unauthorised shipping containers, details of maximum storage height for materials, location and operation of wheel washing facilities, timetable for the implementation of the SDS including the removal of the unauthorised shipping containers on the boundary of the site;

(ii) Within 11 months of the date of this decision, the SDS should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal should have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted SDS should have been approved by the Secretary of State.

(iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable.

The works comprised in the SDS shall be retained for the duration of the use of the site and development.

9) Within 3 months of the date of this decision a Travel plan shall be submitted to the Local Planning Authority. It shall be approved in writing by the Local Planning Authority. The Travel Plan shall include immediate, continuing, and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car. For the avoidance of doubt, the travel plan shall include but not be limited to:

- Involvement of employees;
- Information on existing transport policies, services and facilities, travel behaviour and attitudes;
- Information on access by all modes of transport;
- Resource allocation including Travel Plan Co-ordinator and budget;
- A parking management strategy;
- A marketing and communications strategy;
- Promotion of car sharing initiatives;
- Provision of on-site cycle storage;
- An action plan including a timetable for the implementation of each such element of the above;
- Mechanisms for monitoring, reviewing and implementing the Travel Plan; and
- The details of the Travel Plan Co-ordinator.

An annual report shall be submitted to the Local Planning Authority no later than 1 month following the anniversary of this decision for a period of 5 years. The annual report shall include a review of the Travel Plan measures, monitoring data and an updated action plan.

The approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is operational.

10) Within 3 months of the date of this decision, details of a future riverside walk safeguarded zone shall be submitted to be approved in writing by the Local Planning Authority. The details submitted shall include an indicative route at least 4 metres in width along its length. Other than boundary treatment, no permanent structure shall be placed on the safeguarded zone. Any revision to the approved details shall be subject to further submission and approval in writing by the Local Planning Authority.

11) In the event of a failure to meet any one of the requirements set out in (i) to (iv) below ("the relevant events"):
(a) the use hereby permitted shall cease within 28 days of the relevant event and
(b) 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) together with any other materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 months of the relevant event:

(i) Within three months of the date of this decision, submit an Air Quality Assessment (AQA), including an Air Quality Neutral (AQN) assessment shall be submitted to the Local Planning Authority. The AQN assessment methodology used shall be in line with the GLA Air Quality Neutral Guidance Air Quality Neutral (AQN) guidance | London City Hall. Any generators associated with the development shall only be excluded from the assessment if they are for life safety purposes only. If the development is not able to achieve air quality neutral, mitigation or offsetting measures, as set out in the guidance, shall be set out and implemented. The AQA shall also consider measures that can be implemented to improve local air quality as part of an air quality positive approach, in line with the latest GLA Air Quality Positive Guidance.

(ii) Within 11 months of the date of this decision, the AQA should have been approved by the local planning authority or, if the Local Planning Authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal should have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal should have been finally determined and the submitted AQA should have been approved by the Secretary of State.

(iv) The approved AQA shall have been carried out and completed in accordance with the approved timetable.

END OF CONDITIONS

The Planning Inspectorate

This is the plan referred to in my decision dated: 1st April 2025

by Paul Dignan MSc PhD