Frog Island, Ferry Lane, Rainham, Essex, RM13 9YH

Appeal made under Section 174 of the Town and Country Planning Act (TCPA) 1990 against the issuing of an enforcement notice by the Council of London Borough of Havering.

Appeal Ref. APP/B5480/C/22/3305409

Appellant S.Walsh and Son Limited

Landscape and Visual Proof of Evidence of Robin Smithyman BSc Hons, DipLA, CMLI, DipTP, DipUD, DipSI, CMIQ. of Kedd Limited

Volume 1: Main Proof

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1 Introduction and Background to Appeal

1.1 Personal Details

1.1.1 My name is Robin Smithyman. I am a Chartered Member of the Landscape Institute and Director of Kedd Limited. I hold a degree in Geography and Post Graduate Diplomas in Landscape Architecture, Town and Country Planning, Urban Design and Strategy and Innovation.

1.1.2 I have over 30 years' experience working on a wide variety of projects across the main development sectors including experience of the design and assessment of minerals, waste and recycling schemes.

1.1.3 The evidence which I have prepared and provided in this Proof of Evidence is given in accordance with the guidance of my professional institute and my consideration and judgements of the baseline situation and assessment of the Appeal Scheme in respect of Landscape Character and Visual Matters.

1.2 Scope of Evidence

1.2.1 My evidence addresses Landscape Character and Visual aspects raised within:

a) The Enforcement Notice (Ref. RNF/559/20) following the alleged breach of planning control item 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.

b) The Statement of Case of the London Borough of Havering (PINS Reference APP/B5480/C/22/3305409). This relates to the issued enforcement notice, dated 18th July 2022 stating a material change of use of the Land from use for storage to a waste management facility.

My evidence specifically relates to the accordance of the existing onsite developments with Havering Local Plan Policies and Policy W5 (IX and I) of the Joint Waste Development Plan Document (2012) (JWDPD).

Policy W5 – Planning permission for a waste related development will only be granted where it can demonstrate that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources.

(IX) – the visual and landscape impact of the development on the site and surrounding land including townscape and agricultural land;

(X) – in the case of buildings, demonstration of high quality design and sustainable construction and drainage techniques.

c) The Inspector Paul Dignan Pre – Inquiry Note of 26th February 2024 – paragraph 6 on the main issues, so far as the change of use is concerned relating specifically to "The effect on character and appearance of the area".

1.3 Approach

1.3.1 My evidence has been informed by the following:

a) Desktop and site survey works initially carried out in 2022 and updated in March 2024;
b) Description of the existing development provided by the client together with the Current Situation Drawing No. KD.FRG.2.D.002;
c) Review of the Planning Enforcement Notice – 18th July 2022;
d) Review of the Local Planning Authority (LPA) Statement of Case – 3rd October 2022;
e) Review of the Appellant's Statement of Case;
f) Grounds of Appeal on Behalf of Appellant; and,
g) Liaison with S.Walsh & Son Limited Inquiry Team.

2 Description of Existing Development

2.1.1 The Appellant is S Walsh and Sons Limited who are the tenant of the site, and the operator and who are owned by the GRS Group.

2.1.2 The site location is illustrated on Drawing No. KD.FRG.2.D.001 and the Current Situation is illustrated on Drawing No. KD.FRG.2.D.002 within Appendix A of this Proof of Evidence.

2.1.3 The onsite activities comprise a mixed-use development. The total site area totalling 2.78ha. The western part of the Site relates to the parking and storage of haulage vehicles operated by the appellant together with the storage of building material, e.g. paving slabs, for onwards transport from the Site. The reminder of the Site is currently used in connection with the recycling and processing of imported inert construction, demolition and excavation waste originating principally from the East London Joint Waste Planning Area.

2.1.4 The materials processing operations are undertaken in the open and comprise the screening, crushing and washing of imported material to produce aggregate building products of various grades and reprocessed soils for use in local building and road construction projects. Storage areas and stocking bays for processed and imported materials together with metals are also located with the materials processing area.

2.1.5 Other ancillary uses on the Site associated with the storage use and the materials processing use comprise a lorry wheel washing facility, car parking area, temporary site offices and meeting room (portacabins), employee welfare/toilet facilities, weighbridge with associated office and a covered workshop area for the maintenance of onsite plant, vehicles and equipment. A water bowser is also permanently stored on site to assist with dust suppression from stockpiles during periods of dry windy weather conditions.

2.1.6 The eastern and south-eastern boundary of the materials processing uses are screened by the presence of metal shipping containers stacked 2 or 3 units high. The containers height ranging from approximately 8.9 mAOD to 13 mAOD. A total of 35 metal shipping containers are located on the site boundary. Whilst the lower containers are filled with soils to ensure stability the containers are also used for storge of materials that need to be kept dry, i.e. cement. Some containers are used to store water which is used for dust suppression around the site in connection with the processing.

2.1.7 Onsite Plant and Equipment includes:

- Rinsing Screens x3 (~8m in height);
- Sizing Screens x3 (~5m in height);
- Trommels x2 (~6m in height);
- Jaw Crusher x1 (~4.7m in height);
- Impact Crusher x1 (~5m in height); and,
- Silo 1No (~11m in height);
- 300 excavators x3;
- Loading Shovels x2;
- Forklifts x3; and,
- Bobcat x1.

2.1.8 Material Stocks ranging from ~2m to ~7.5m in height.

Proposed Additional Landscape Character and Visual Mitigation and Enhancement Measures

2.1.9 The consideration of the existing scheme has included the following proposed mitigation and enhancement measures:

a) Strengthening existing woodland / scrub planting along the sites eastern boundary facing Ferry Lane using both native deciduous and evergreen species to help provide year round vegetation structure;
b) Creation of scrub block within the northern area of the site to enhance Biodiversity Net Gain / landscape structure;
c) Re-organisation of the shipping containers located along the sites eastern boundary area with Ferry Lane. This will establish a more uniform "screening barrier". This will include the removal of random elements e/g car, replacing broken containers, 3No. stacked containers are in place and painting the existing containers with a unifying colour and finish to match that of the adjacent Eastern Industrial Park steel structures.
d) Confirmation that stocks / plant and equipment will not be visible from the local street scene.
e) A treble storey of shipping containers to be placed along the southern / south western boundary of the site. These are again to be painted mid grey to provide a

unified screening structure to match the character of the Easter Industrial Park. Individual and groups of trees to be placed on the outer facing margin of the shipping containers, planted within containers either above or below existing ground level.

2.1.10 Please see Drawing No KD.FRG.2.D.007 (Appendix A) for the location of the Proposed Landscape Character and Visual Mitigation and Enhancement Measures together with Photographic Images of the Eastern Boundary of the site illustrating the Existing Situation and Proposed Mitigation Enhancement Measures.

3 Landscape Designations

3.1.1 The site is not located within a nationally designated landscape area i.e a National Park or Area of Outstanding Natural Beauty. Other designations that lie within 2km of the site which may be indirectly affected by the site include:

- Local Nature Reserve (LNR) – the Rainham Marshes LNR is located circa 155m to the north and east of the site, beyond intervening mixed industrial / commercial form. To the south of the River Thames, the Crossness LNR is located circa 1.5km to the south west of the Site.
- Site of Special Scientific Interest (SSSI) – the Inner Thames Marshes SSSI is located circa 155m to the north and east of the site, occupying a large area of land continuing eastwards covering the Rainham, Wennington ad Aveley Marshes. To the north east of the Site, the Ingrebourne Marshes SSSI is located circa 1.7km from the Site, extending northwards within the Ingrebourne Valley.
- Conservation Areas – The centre of Rainham is designated locally as a Conservation Area, located circa 1.3km to the north east of the Site.
- Listed Buildings – It is understood that Four Grade II* and one Grade I are located within 2km of the Site. They form a cluster of buildings within the Rainham Conservation Area, circa 1.3km to the north east.

3.1.2 Landscape Orientated Designations are illustrated on Drawing No KD.FRG.2.D.003 within Appendix A

4 Landscape Character

4.1.1 The assessment of an areas landscape character and its ability to accommodate development / change is initially based on the identification, understanding and categorisation of a landscape's features and elements that combine to create the distinctive character of an area. Landscape character comprises a description and assessment of the distinct and recognisable pattern of elements and features that occur consistently in a particular type of landscape and how this is perceived. The character of a landscape is a combination of geology, landform, soils, vegetation, land-use and human activities. In addition, character is identified through characterisation, which classifies, maps, and describes areas of similar character.

4.1.2 In order to assess potential landscape effects resulting from the Proposed Development a baseline study of the landscape character of the site and its surroundings was carried out. The study involved desk-based analysis and Site survey to determine landscape character of the area including an examination of aesthetic and perceptual aspects of the landscape that contribute to local distinctiveness.

4.1.3 Landscape Character is described at three levels within this section. These being the National Level, Borough Level and Immediate Context / Local Level, in order to properly appreciate its component elements, features, interactions and susceptibility to change.

Description of Landscape Character at a National Level

NCA 81 Greater Thames Estuary

4.1.4 The character area forms the eastern edge of the London Basin, and its extensive underlying geology of London Clay provides links with the Northern Thames Basin NCA and, further west, the Inner London NCA. The NCA lies between the North Sea and the rising ground of the adjacent North Kent Plain and Northern Thames Basin NCAs which provide a backdrop to the extensive flat open spaces of the estuary. Uninterrupted, far-reaching views out across the Thames to the opposite banks are possible from this higher ground, and industrial and historic military landmarks are highly visible in this predominantly low-lying marshy coastal landscape.

4.1.5 Industry and its infrastructure – including waste disposal and mineral extraction sites, transport routes, ports and prominent power stations – and urban development, including housing and caravan sites, now occupy what are often highly visible sites

within the low-lying marshes. The NCA encompasses the highly urbanised areas alongside the River Thames.

Description of Landscape Character at a Borough Level

4.1.6 The site is located within the London Borough of Havering. Havering, together with the neighbouring Boroughs of Dagenham, Epping Forest, Brentwood, Thurrock and Basildon, were the subject of a Landscape Character Assessment "the Land of the Fanns Landscape Character Assessment" by Alison Farmer Associates) on behalf of the Fanns Landscape Partnership. See Drawing No. KD.FRG.2.D.004 within Appendix A.

4.1.7 Within this Landscape Character Assessment, the site is located within the Rainham Aveley and West Thurrock Marshes Landscape Character Area (LCA), and within proximity to the Belhus Lowland Quarry Farmland LCA, the Ingrebourne Valley LCA and the Dagenham Corridor LCA. The wider landscape being classified as 'urban'. The key characteristics of each of these defined LCAs is outlined below.

4.1.8 Key Characteristics:

- Open, flat expansive area of reclaimed Medieval grazing marsh divided by ditches.
- Some areas developed by industry associated with Thameside.
- Upper Chalk bedrock with clay, silts and sands associated with the London Clay Formation overlain with alluvium.
- Expansive character is infringed upon by former land fill, Purfleet bypass and A13.
- Lack of tree cover with areas of low scrubby vegetation.
- Marshes are significant for nature conservation and wading birds.
- Historic churches on the inland fringes of the marsh act as local landmarks.
- Strong visual and physical connection to the River Thames.
- Memorable views to the London skyline and Queen Elizabeth Bridge.

Description of Landscape Character at an Immediate Context / Site Level

4.1.9 At the Immediate Context / Site Level, landscape character comprises a combination of the River Thames corridor, traditional industrial built form, and operations, including

water access and movements, together with more recently constructed, planned commercial / industrial development. The latter providing an enhanced green infrastructure and architectural detailing, whilst maintaining the overall scale and massing of built development in the area, complementary to more traditional industrial park form.

4.1.10 More traditional industrial / commercial built form is located to the north and west of the site, with the more recently constructed mixed industrial / commercial development occupying land to the north and north east. Beyond this, north eastwards and south eastwards, the landscape opens out into the Rainham and Wennington Marshes, which occupy large areas of low-lying land and flood plain.

4.1.11 Ferry Lane, which runs along the site's northern boundary dissects the surrounding built development, providing access northwards to the urban mixed residential area of Rainham and to the A13, which forms a prominent north west to south east transportation corridor locally, dissecting the eastern marsh landscape. The site is elevated from Ferry Lane, separated by an area of roadside scrubland. Wider built form (opposite) lies immediately adjacent to the roadway, with limited buffer / separation.

4.1.12 The primary site characteristics and built form is similar in scale and massing to that of the surrounding medium to large-scale built landscape (with both containing smaller built / operational elements and features). The site character is however visually temporary in its construction (containers and portacabin style structures). This being comparable to other locally observed land-use activities / features within neighbouring industrial sites and areas of external storage / yards including Keeble Paper Recycling off Ferry Lane and Discount Builders Merchants Ltd off Salamons Way.

4.1.13 Please see Appendix D for Photographic Images of the Character and Local Site Area which illustrate the land uses and character appearance and setting of the local context within approximately 1km of the Appeal Site.

4.1.14 I make the following comments –

4.1.15 Through desktop and site survey works and as illustrated on the Photosheets within Appendix D, the character of the land within ~1km of the Appeal Site can be described as 'Mixed Urban Employment Land'. The elements, features and landuses are generally varied and 'piecemeal' in nature, but they are contained within strong man made and natural morphological features. These include the River Thames and River Ingebourne and the containing Ferry Lane and Coldharbour Lane roadway.

4.1.16 There is a clear physical and visual change in the defining boundary of this contained mixed urban employment land to both to the west, where the River Thames character is open, linear, flat and expansive; and to the east of Coldharbour Road where there is a distinct change in character to green space, which comprises large scale, low lying Rainham Marshes / restoration infilling and open character.

4.1.17 The mixed urban employment land character of the Appeal Site and its local character being comprised of:

- Landuses – Mixed, commercial, industrial, recycling, manufacturing and storage;
- Scale / Size / Layout – Varies from large scale, combined blocks and individual built units of both a single mass and form, and blocks of inconsistent structure and form of an 'ad hoc' nature, but still contained by road and river features;
- Aesthetic Value – Is principally received by people who work / travel through the area, of a varied working environment reflecting associated diverse visual activities from silos, shipping containers, factory, warehouse units as well as urban infrastructure including pylons an urban planting to road corridors. All comprised of many materials and comprised of many materials and associated activities. The visual value and amenity is not an unpleasant view but it is not overly attractive either. It is reflective of this area of the River Thames visual character / urban fringe environment. Visually, gentrification and standardisation of some of the newer employment built 'shed type units' and associated settings in my opinion appears visually sterile, lacking character and a sense of local social / visual reference.

<u>Landscape Assessment</u>

4.1.18 I have assessed the potential effects of the existing development including the landscape character elements and visual mitigation and enhancement measures on the elements and features which combine to help form the local landscape character and setting.

4.1.19 The nature and scale of the proposed development and its associated visual influence is principally limited to its immediate urban area, and higher ground which looks down onto the site, within a large panoramic visual setting. The Appeal site within Frog Island is generally contained / limited by existing built structures, topography, a limited amount of vegetation to road infrastructure.

4.1.20 The nature of "effect" (magnitude) is determined by comparing the effect of the proposed development on the landscape character of the site and the surrounding

areas. Based upon the detailed application proposed, including mitigation measures, I assess the Magnitude of the Appeal sites impact will be Low to Medium adverse.

4.1.21 Table 2 below, combines the Sensitivity of the individual character areas, together with the predicted Magnitude of Effect, to determine the potential level of Significance of Impact of the existing development. The assessed magnitude and resulting level of significance being associated with the proposed development.

4.1.22 The overall level of Significance of Impact associated with the existing development on the identified 7 character areas, as illustrated on Drawing No. KD.FRG.2.D.004 within Appendix A, is assessed as between Neutral (no change) to Slight Adverse. See Table 4.1 below.

Table 4.1 – Landscape Character – Significance of Effect

Land of the Fanns Landscape Partnership – Landscape Character Assessment			
Character Area	**Assessed Sensitivity to Change from the Proposed Development**	**Assessed Magnitude of Impact associated with the Proposed Development**	**Assessed Significance of Effect associated with the Proposed Development**
Rainham Aveley and West Thurrock Marshes LCA	Medium – High (high associated with Rainham Marshes)	Low Adverse	Slight to Moderate Adverse
Belhus Lowland Quarry Farmland LCA	Medium	Neutral	Neutral
Ingrebourne Valley LCA	High	Neutral	Neutral
Dagenham Corridor LCA	Medium – High	Neutral	Neutral
Urban	Low – Medium	Neutral	Neutral
London Borough of Bexley Local Character Study			
Urban	Low – Medium	Neutral	Neutral
Immediate Context / Site Level			
Frog Island	Low – Medium	Low Adverse	Very Slight – Slight Adverse

4.1.23 I assess that the development proposals will not result in any significant adverse impacts on Landscape Character.

5 Visual Matters

5.1.1 Desktop and site survey works have identified the areas of landscape and visual receptor locations from which the existing site may be visible along with the different groups of people who may experience views of the development and its specific elements and features, along with the viewpoints where they will be affected and the nature of the views at these points.

5.1.2 This baseline and assessment work has been carried out by initially mapping the geographical extent of the study area where receptors have the potential to view the current site. This was carried out digitally through the production of a Zones of Visual Influence (ZTVI).

5.1.3 The existing development ZTVI, as illustrated on Drawing No. KD.FRG.2.D.005 was carried out based upon a topographical survey from March 2024, and the given heights of on site plant and equipment. The average general base level of the site being ~5mAOD. Material stocks ranging from ~8.5 – 12mAOD (i.e 3.5 to 7.5m in height). The ZTVI also includes 3No. Rising Screens of ~8m in height, 3No. Sizing Screens of ~5m in height, 2No Trommels of ~6m in height, a Jaw Crusher of ~4.7m, an Impact Crusher of ~5m and a Silo of ~11m in height. The existing shipping containers have been assessed as a source of visual impact i.e not mitigation measure within the ZTVI. It is noted that the existing shipping containers vary between 8.9mAOD to 13mAOD due to variations in both ground levels to the boundary of the site and also the height of container stacking.

5.1.4 The existing developments ZTVI is illustrated on drawing number KD.FRG.2.D.005, within Appendix A. As can be seen, the areas with a predicted higher magnitude of impact resulting from the proposed development are both within the site itself and its immediate surroundings. To the west of the site, this geographical area includes the eastern margins of the River Thames. To the north storage units off Creek Way. To the east and south users of Ferry Lane and a variety of industrial, commercial, manufacturing and employment building units. Higher mid magnitude of impact areas spread approximately 500 metres west over the River Thames, and north, east and south over a variety of industrial commercial manufacturing and employment units. These include Wanis International foods to the north, SG Technologies Limited to the east and Hoffman Thornwood to the south. Both the higher areas of magnitude of

impact cover a section of the London Loop public right of way (PROW). Mid and lower areas of potential magnitude of impact spread westwards up to approximately 3.5 kilometres across the Thames over to Erith / Erith Marches / Belvedere, and include a wide variety of land uses including industrial, residential, commercial, waste and sewage works, together with a section of the Thames Pathway. To the north, by approximately 1 kilometre over Fairview industrial park and car compounds, to the north / east by approximately 3 kilometres including Rainham and South Hornchurch, and to the east up to approximately 2 kilometres over Rainham marshes.

5.1.5 The Proposed Mitigation Measures ZTVI includes the enhanced unified shipping containers, stacked 3No. in height and painted a mid-grey colour as illustrated on Drawing No. KD.FRG.2.D.009. As can be seen from this plan the enhancement of the outer facing shipping containers will provide a good screening barrier specifically to receptors using and neighbours located off Ferry Lane, to the south and east of the site. With site internal operations being effectively screened from view from these locations. Other levels of magnitude of impact remaining similar to the existing situation.

5.1.6 The site survey considered the viewpoint from which the current situation and the proposal, including the enhanced shipping containers as a mitigation measure, will actually be seen by differing groups of people. These groups included:

- Residential visual receptors in private properties.
- Public viewpoints e.g., public rights of way, inland waterways and public open space (POS);
- Places where people work and;
- Transport routes where there may be views from private vehicles and from different forms of public transport.

5.1.7 Based upon the above desktop research and assessment works a detailed visual site survey took place being guided by both the current and proposed ZTVIs. Both ZTVI mapping and site surveys assume that the observers eye height is some 1.6m above ground level, based upon the midpoint of average heights for men and women.

5.1.8 Drawing Number KD.FRG.2.D.006, within Appendix A, illustrates representative visual receptor locations from within the identified ZTVI of the Appeal Site's developments potential visual envelope. These receptor locations have been used to describe the types and levels of potential visual change and effect to local receptors. The visual

receptor locations are illustrated looking towards the site on Photographic Sheets 1 to 6. These illustrate representative visual receptor location points of existing and potential views of the site and the development and site activities.

- Photosheet 1 - internal site views;
- Photosheet 2 - views from the north;
- Photosheet 3 - views from the north east;
- Photosheet 4 - views from the south at distance;
- Photosheet 5 - views from the south / west in close proximity to the Site;
- Photosheet 6 - views from the east in close proximity to the Site ; and,
- Photosheet 7 - views from the west over the River Thames towards the site.

5.1.9 Each of the potential visual receptor locations were visited to understand the nature and scope of the existing/ potential views of the site and the proposed development.

5.1.10 Local visual receptors have a variety of assessed sensitivity to change resulting from the proposed development within this locality. Residential receptors having the greatest sensitivity to change, i.e. High with users of the local road network being assessed as having the lowest sensitivity to change i.e. Low as a result of their transient nature and limited time duration of view of the site/ proposed development.

Visual Mitigation and Enhancement Measures

5.1.11 The consideration of the existing scheme has included the following proposed mitigation and enhancement measures:

a) Strengthening existing woodland / scrub planting along the sites eastern boundary facing Ferry Lane using both native deciduous and evergreen species to help provide year round vegetation structure;

b) Creation of scrub block within the northern area of the site to enhance Biodiversity Net Gain / landscape structure;

c) Re-organisation of the shipping containers located along the site's eastern boundary area with Ferry Lane. This will establish a more uniform "screening barrier". This will include the removal of random elements e.g. car, replacing broken containers, with 3No. stacked containers [PGKC – minimum – so how high?]

being in place along the Ferry Lane site boundary, being painted along with the existing containers in a unifying colour and finish to match that of the adjacent Eastern Industrial Park steel structures. This will deliver a 7.86m high mitigating screen to the Ferry Land boundary.

d) Confirmation that stocks / plant and equipment will not be visible from the local street scene.

e) A treble storey of shipping containers to be placed along the southern / south western boundary of the site. These are again to be painted mid grey to provide a unified screening structure to match the character of the Easter Industrial Park. Individual and groups of trees to be placed on the outer facing margin of the shipping containers.

Assessed Overall Significance of Visual Effects

5.1.12 This is achieved by combining the separate judgements about sensitivity of the visual receptor and the magnitude of the proposed development (including any mitigation measures) on visual impacts/effects. See Table 5.1 below.

5.1.13 Significance of visual effects is not absolute and can only be defined in relation to each development and its specific location. In making a judgement about the significance of visual effects it is noted that:

- Effects on people (receptors) who are particularly sensitive to change in views and visual amenity are more likely to be significant.
- Effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant.
- Large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view.

Table 5.1 – Assessed Overall Significance of Visual Effects Comparison of Current Situation to Proposed Development

Ref	Description of Visual Receptor	Receptors Assessed Sensitivity to change	Assessed Magnitude resulting from the current site development	Assessed Level Significance of visual effect from current development	Assessed Magnitude resulting from the existing development plus landscape and visual mitigation measures	Assessed Level Significance of visual effect from the existing development plus landscape and visual mitigation measures
1	Receptors using Ferry Lane looking south east to the Site Entrance from a distance of ~ 70m	Low	Low	Very Slight Adverse	Low	Very Slight Adverse
2	Receptors using Ferry Lane looking south east to the Site from a distance of ~ 166m	Low	Low	Very Slight Adverse	Low	Very Slight Adverse
3	Receptors (workers / trading estate) off Salamons Way, looking south towards the Site at a distance of ~ 450m	Medium	Neutral	Neutral	Neutral	Neutral
4	Receptors (workers / trading estate) off Salamons Way, looking south towards the Site from a distance of ~450m	Medium	Neutral	Neutral	Neutral	Neutral
5	Receptors using Ferry Lane / Coldharbour Lane, looking south towards the Site at a distance of ~315m	Low	Neutral	Neutral	Neutral	Neutral
6	Receptors using PROW through Rainham Marshes, looking west towards the Site at a distance of ~645m	Medium	Very Low	Very Slight Adverse	Very Low	Very Slight Adverse
7	Receptors using Public Open Space / PROW around the Riverside Car Park, looking north towards the Site at a distance of ~820m	Medium	Neutral	Neutral	Neutral	Neutral
8	Receptors using the Thames Pathway near Tilda Wharfage looking north towards the Site at a distance of ~480m	Medium	Medium	Moderate Adverse	Low	Slight Adverse
9	Receptors using the Rat Path (London Loop) looking north towards the Site at a distance of ~50m	Medium	Medium	Moderate Adverse	Low	Slight Adverse
10	Receptors using PROW ref. 266 looking north towards the Site at a distance of ~170m	Medium	Medium	Moderate Adverse	Very Low	Very Slight Adverse
11	Receptors using a section of PROW ref. 266 located immediately south of the Site	Medium	High	Notable Adverse	Low	Slight Adverse
12	Receptors using sections of PROW ref. 266 located in	Medium	Medium	Moderate Adverse	Low	Slight Adverse

Ref	Description of Visual Receptor	Receptors Assessed Sensitivity to change	Assessed Magnitude resulting from the current site development	Assessed Level Significance of visual effect from current development	Assessed Magnitude resulting from the existing development plus landscape and visual mitigation measures	Assessed Level Significance of visual effect from the existing development plus landscape and visual mitigation measures
	between rear of individual units and Thomas George Johnson building					
13	Workplace receptors in individual / work units off Ferry Lane, located opposite the Site, looking west towards the Site at a distance of ~60m	Medium	High	Notable Adverse	Low	Slight Adverse
14	Workplace receptors located off Ferry Lane located opposite the Site, looking west towards the Site at a distance of ~15m	Medium	Medium	Moderate Adverse	Low	Slight Adverse
15	Receptors using the Thames Path on southern bank of river, adjacent to Steel Arts Metal Work Limited, at a distance of ~800m from the Site	Medium	Low	Slight Adverse	Low	Slight Adverse
16	Receptors using Thames Path on southern bank of river, adjacent to Belvedere Industrial Estate and Lidl Belvedere Regional Distribution, at a distance of ~770m from the Site	Medium	Low	Slight Adverse	Low	Slight Adverse
17	Receptors using Thames Path on southern bank of river, adjacent to Riverside Reserve Recovery Ltd / T/A Cory Riverside Energy, at a distance of ~1.3km from the Site	Medium	Very Low	Minimal Adverse	Very Low	Minimal Adverse

Descriptive Analysis and Comments on Assessment of Overall Significance of Visual Effect

5.1.14 An assessment / comparison of both the current levels of visual significance of effects on receptors and the proposed development has been carried out. Of the 17 number typical representatives' visual receptors /receptor location points it is assessed that:

	Level of visual Significance of effect.	Assessed level of visual significance resulting from the Existing Development.	Assessed level of Visual Significance Resulting from The Existing Development with Mitigation Measures
Adverse	Severe	-	-
	Major	-	-
	Notable	2	-
	Moderate	5	-
	Slight	2	8
	Very Slight	3	4
	Minimal	1	1
	Negligible	-	-
	Neutral	4	4
Beneficial	Negligible	-	-
	Minimal	-	-
	Very Slight	-	-
	Slight	-	-
	Moderate	-	-
		17No	17No.

5.1.15 It is assessed that the existing Frog Island operations result in 2No. Notable adverse visual effects to representative groups of visual receptors. These effects being a significant adverse level. The representative 2No. visual receptors receiving these affects being receptor locations 11 and 13. To mitigate the significant adverse levels of visual impact in respect of these two representative visual receptor locations it is proposed to:

5.1.16 Representative Receptor 11 - receptors using a section of public right of way of the London Loop (reference 266) located immediately south of the site - Receptors have clear, partially screened views of the current inconsistent screening containers, stocks of material and plant. Although the receptor views are transitory, they are considered to be of a high magnitude of effect given a combination of their field of view, proximity to the site and the visually discordant nature of the elements and features on view of the site. Proposed mitigation means include construction of 3 storeys of shipping containers, painted mid grey. The containers having a crenated surface (which helps break up the form and mass of the structures casting light and shade). The location of the containers combined with the proposed uniform colour will enhance their screening potential and also integrate into the overall visual setting. A further line of containers are to be placed running parallel with the sheet pile concrete wall to the

River Thames, to further screen the site operations. This is to be combined with a short section of tree planting is proposed on the site's southern and south western boundary. With these screening and mitigation measures in place, the resulting proposed developments visual impact is assessed as reducing from Notable Adverse to Moderate adverse effect from this location.

5.1.17 Representative Receptor 13 - workplace receptors in individual employment units off Ferry Lane, (located opposite the site) looking west towards the site at a distance of approximately 30 metres - Receptors at this location have clear face on views of both the inconsistent and degraded facades of shipping containers, which do screen the majority of internal site operations, along with netting and parts of the existing plant / stocks, where only a single height container is in place. As part of the mitigation measures a minimum of a treble height of shipping container will be placed along the eastern boundary of the site. These and the existing site screening containers are to be refurbished and painted the same / a similar colour to the employment units located within the same visual envelope of the site, i.e., a mid grey colour. Additional evergreen planting is also proposed to help break up the visual form of the containers. I assess the resulting visual effects will reduce from Notable Adverse to Slight Adverse.

5.1.18 With the proposed mitigation and enhancement measures in place I assess that the Appeal Site will not result in any Significant Adverse Levels of Visual Effects.

6 Assessment of the existing development with additional mitigation and enhancement measures accordance with Landscape Character and Visual Orientated Planning Policies

6.1.1 Based upon my observation and assessment, I consider that the existing development incorporating the proposed Landscape Character and Visual Mitigation and Enhancement Measures would be general accordance with the following planning policies.

Joint Waste Development Plan (2012)

6.1.2 Policy W5 (IX) – "The visual and landscape impact of the development on the *site* and the surrounding land, including townscape and agricultural land." I consider that the character of the site and its immediate land area is of a contained mixed urban employment nature. It physically and visually comprises a wide variety of built structures in a variety of forms, scales sizes and colours. One of its strengths is its urban fringe, riverside location which has the capacity to integrate and absorb development without it being dominant or adversely detrimental to the local character and the receptors within proximity to it.

6.1.3 My findings are that the existing site development, together with the proposed Landscape Character and Visual Mitigation and Enhancement Measures will not result in significantly adversely affecting people, land, infrastructure or resource. I consider the development is in accordance with this policy.

6.1.4 Policy W5 (X) – I consider that the proposed mitigation measures of unifying the use of shipping containers in respect of condition, height and colour, combined with de-cluttering the sites eastern facing boundary skyline features, will increase the quality of the site screening adjacent to Ferry Lane and the associated views from visual receptors. This will also enhance the character of the land area. I consider the development is in accordance with this policy.

London Plan Policy

6.1.5 Policy G5 – There is only a limited physical area where urban greening can take place at this site. I consider that this policy should be seen in relation to the Appeal Sites immediate context, which includes existing urban greening along its southern and eastern boundaries associated with public open space / PROW and existing highway

planting. As such there is already in place a strong landscape 'green structure'. The western boundary of the site adjoins the River Thames and the northern boundary both built development and the corridor of the River Ingrebourne.

6.1.6 Where the site adjoins part of the boundary with the river corridor, planting will be further enhanced with the establishment of an area of scrub / BNG. Underplanting and establishment of evergreen planting along the eastern site boundary with Ferry Lane will further enhance this boundary in accordance with this policy.

6.1.7 Policy SI8 – *Waste Capacity and new wate self-sufficiency* – E4) the impact on amenity in surrounding areas (including but not limited to…visual impact). I assess that the development will not result in any significant adverse effects and is in accordance with Policy SI8 (E4).

Havering Local Plan (2016-2031)

6.1.8 Policy 19 – The Council is committed to building a strong and prosperous economy in Havering, and will encourage and promote business growth by: "vi. Supporting development proposals that improve the physical appearance, attractiveness and competitiveness of the employment areas." The Appeal scheme will help to achieve item vi of this policy through both the proposed impact to the physical and visual nature of the site peripheral screening shipping containers, greater uniformity, use of colour, clearance of 'ad hoc' boundary structures. New soft plant works will also physically help integrate the Appeal site within its local character setting.

6.1.9 Policy 26 - The proposed enhancement of site peripheral shipping containers has the potential to both improve the character and visual quality of the Ferry Lane street scene. The proposed new uniformity of the height of the screening shipping containers and the use of locally observed finish / colour, helping to reinforce the localised urban character. In these respects, the proposals offer the opportunity for the site to be in accordance with Policy 26: Urban Design.

6.1.10 Relevant to specific consideration within this Proof of Evidence, Policy 26 is worded as follows - "The Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that:

i. Are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area;

vii. Respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing rhythm of

the building, frontages, group of buildings or the building line and height of the surrounding physical context; and,

viii. Fully integrate with neighbouring developments, existing path and circulation networks and patterns of activity particularly to accommodate active travel."

6.1.11 With respect to i. as highlighted within this Proof of Evidence and observed in photographs from within Appendix B, the character of the area is very diverse. The Appeal Site mitigation and enhancement measures have considered its immediate neighbours and geographical location with subsequent proposals. The sweep of Ferry Lane takes in existing industrial and employment shed structure gable end side on frontages, and block form massing. Views generally contained to the west by a combination of rising ground, the River Thames flood wall and vegetation structure. To the east linear visual corridors (pathways, internal and external roads) separate the built form.

6.1.12 Using the locally observed urban qualities the Appeal Site, mitigation and enhancement measures proposed the strengthening of the street scene vegetation structure with individual and groups of tree planting. It is also proposed to unify the layout of the screening 'shipping containers' and the use of locally observed finish / colour, helping to reinforce the local urban character.

6.1.13 Regarding point viii of Policy 26, the Appeal site will not effect the peripheral routes of any path or roadways. There are views of the site from the local pathway network. Two of these being illustrated within Appendix C. Mitigation and enhancement measures being illustrated, which I consider reduces the current adverse visual effect and enhances the local character. In these respects, the proposals offer opportunity for the site to be in accordance with Policy 26. Proposed riverside improvements to shipping containers and opportunities for planting will physically and visually enhance the riverside corridor in accordance with Policy 31.

6.1.14 Policy 27 – I consider that strong boundary treatments are already in place and will be enhanced through the underplanting of existing vegetation structure and new evergreen tree establishment along the sites eastern boundary within Ferry Lane. An area of the northern site boundary is to be established as scrub planting for Biodiversity Net Gain (and a linear belt of tree planting at the sites southern, and south western boundary is to be established). I consider that these treatments are sympathetic to the local landscape character and street scene. Details and Specification for all proposed

mitigation and enhancement planting, and its maintenance and management, has been provided within Appendix F of this Proof of Evidence in accordance with the requests of this policy.

6.1.15 Policy 30 – The Council will protect and enhance the borough's natural environment and seek to increase the quality and quantity of buildings in Havering. This will be achieved within the Appeal site by:

1. Planting of 28 individual / groups of trees within the site running adjacent to Ferry Lane;
2. Establishment of a scrub vegetation block of ~197m^2 within land to the north of the site adjacent to River Ingrebourne river corridor;
3. Planting of 12 individual / groups of trees on land within the south of the site and along the sites south western boundary, (both areas bordering land owned / controlled by the Environment Agency).

6.1.16 It is understood that these planting measures will result in a overall site Biodiversity Net Gain.

6.1.17 In summary, based upon the above, I consider that the Appeal Site is in general accordance with Landscape Character and Visual Orientated Planning Policies.

7 Conclusions

7.1.1 This Proof of Evidence relates to Landscape Character and Visual aspects of the Appeal Site. It has been produced in general accordance with the Guidelines for Landscape and Visual Assessment Third Edition 2013 and my considered assessment and opinion.

7.1.2 I have considered the existing onsite structures including plant, stocks, offices, shipping containers and activities together with proposed landscape and visual mitigation and enhancement measures –

a) Strengthening existing woodland / scrub planting along the sites eastern boundary facing Ferry Lane using evergreen species to help provide year round vegetation structure;

b) Creation of scrub block within the northern area of the site to enhance Biodiversity Net Gain / landscape structure;

c) Re-organisation of the shipping containers located along the sites eastern boundary area with Ferry Lane. This will establish a more uniform "screening barrier". This will include the removal of random elements e.g. car, replacing broken containers, with 3No. stacked containers being in place along the Ferry Lane site boundary, being painted along with the existing containers in a unifying colour and finish to match that of the adjacent Eastern Industrial Park steel structures. This will deliver a 7.86m high mitigating screen to the Ferry Land boundary.

d) Confirmation that stocks / plant and equipment will not be visible from the local street scene.

e) A treble storey of shipping containers to be placed along the southern boundary of the site. These are again to be painted mid grey to provide a unified screening structure to match the character of the Easter Industrial Park. Supplementary planting to be established the outer facing boundary. This would provide both screening and greening up / landscape enhancement of the River Thames Corridor.

7.1.3 In respect of Enforcement Notice ref RNF/559/20, on my two visits to the site, I can confirm that I did not observe any mud on the site access road nor the immediate sections of Ferry Lane.

7.1.4 The site is not located within a nationally designated landscape area.

7.1.5 At the National Level the site is located within the NCA 81 – Greater Thames Estuary Landscape Character Area(LCA). At the Borough Level it is located within the Rainham Averly and West Thurrock Marshes LCA. At the Site Level and its immediate local context, desk topped site survey works have identified the elements and features which comprise the local character. I describe the resulting character as Mixed Urban Employment Land. This localised character area containing varied commercial, industrial, recycling, manufacturing and storage land uses of variable size, scale and layout. The character area being contained by the River Thames to the west and open green space (Rainham Marshes) to the east. The visual value and amenity is not an unpleasant view but it is not overly attractive either. Visually, gentrification and standardisation of some of the newer employment built 'shed type units' and associated setting in my opinion appear visually sterile, lacking character and a sense of local social / visual reference.

7.1.6 The sensitivity of the local landscape character areas has been assessed in respect of the effect of the land use structures and activities of the Appeal Site including the proposed mitigation and enhancement measures.

7.1.7 I assess that the development will not result in any significant adverse impacts on Landscape Character. At the immediate context / site level, I assess the level of significance of effect as Very Slight to Slight Adverse.

7.1.8 In respect of Visual Matters, a computer generated Zone of Theoretical Visual Influence (ZTVI) has been produced utilising the March 2024 survey data of all existing plant and stocks, together with visual screening mitigation, involving the enhanced shipping containers, additional planting, and a section of linear tree planting. The resulting ZTVI where higher areas of potential Magnitude of Effect may result, is small (less than ~1km). Potential individual representative visual receptors were identified and visited to assess existing views and the potential for resulting visual impact through the implementation of the stated mitigation measures.

7.1.9 I assess that without mitigation measures, 2No. representative visual receptors currently do receive Notable Adverse visual effects from the existing development. This effect is considered a Significant level of visual effects. Once the proposed mitigation and enhancement measures gave been implemented, these levels are reduced to Moderate Adverse. This level of effect is not a significant level of visual effect.

7.1.10 In considering the above, I conclude that the Appeal Site, integrating the proposed mitigation and enhancement measures, will be in general accordance with Landscape Character and Visual orientated planning policies.

Appendix A – Drawings

KD.FRG.2.D.001 – Location Plan
KD.FRG.2.D.002 – Current Situation
KD.FRG.2.D.003 – Landscape Orientated Designations
KD.FRG.2.D.004 – Landscape Character
KD.FRG.2.D.005 – Zone of Theoretical Visual Influence (ZTVI)
KD.FRG.2.D.006 – Representative Visual Receptor Location Points
KD.FRG.2.D.007 - Proposed Mitigation & Enhancement

Appendix B – Photosheets

Photosheet 1 – Internal Site Views
Photosheet 2 – Views from the north
Photosheet 3 – Views from the north east
Photosheet 4 – Views from the south at distance
Photosheet 5 – Views from the south / west in close proximity to the site
Photosheet 6 – Views from the east in close proximity to the site
Photosheet 7 – Views from the west over the River Thames towards the site

Appendix C – Photographic Images – Mitigation and Enhancement Measures

Appendix D – The Character of the Local Area

Appendix E – Landscape and Visual Impact Methodology