DATED 20TH MARCH 2006

NETWORK RAIL INFRASTRUCTURE LIMITED

AND

LONDON CONCRETE LIMITED

TO

THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARINGEY

PLANNING OBLIGATIONS BY UNILATERAL DEED OF UNDERTAKING

under Section 106 of the Town and Country Planning Act 1990 relating to land at Ferme Park Depot and Cranford Way Hornsey London N8 9DG

FORSTERS

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Ref: MDC
13/03/06

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THIS UNILATERAL DEED OF UNDERTAKING is given the 20th day of March 2006

BY **NETWORK RAIL INFRASTRUCTURE LIMITED** whose registered office is situate at 40 Melton Street London NW1 2EE (hereinafter called "the Owner" which expression shall include its successors in title and persons deriving title through it)

AND

LONDON CONCRETE LIMITED whose registered office is situate at Bardon Hill Coalville Leicestershire LE67 1TL (hereinafter called "LCL" which expression shall include its successors in title and persons deriving title through it)

TO **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF HARINGEY** of Alexandra House 10 Station Road Wood Green London N22 7TR (hereinafter called "the Council" which expression shall include any successor local planning authority exercising planning powers under the 1990 Act)

WHEREAS:

(1) The Owner is the freeholder owner of the Land and has a legal right of way over Cranford Way

(2) The Owner intends to grant a lease of the Land to LCL for a term of 25 years and a legal right of way over Cranford Way subject to the Planning Appeal being allowed and the Planning Permission being granted

(3) The Council is the local planning authority for the purposes of the 1990 Act for the area within which the Land and Cranford Way are situated

(4) LCL submitted the Planning Application to the Council which the Council failed to determine within the statutory period and LCL submitted the Planning Appeal

(5) This Deed relates to any Planning Permission granted for the Development pursuant to the Planning Appeal

(6) This Unilateral Deed of Undertaking is entered into in order to mitigate the impact of the construction of the Development to minimise the generation of dust and noise from the Development and to manage the impact of the Development upon ecological interests and to provide for training of drivers employed by LCL all as hereinafter set out in the event that the Planning Appeal is allowed and Planning Permission is granted by the Inspector

NOW THIS DEED WITNESSETH as follows:

1. **Section 106 Planning Obligations Conditionality and Commencement**

1.1 The Planning Obligations constitute planning obligations for the purposes of Section 106 of the 1990 Act and so as to bind the interest of the Owner in the Land and Cranford Way and may be enforced by the Council against the Owner (subject to the provisions of Clause 2) and any person deriving title from the Owner (subject to the provisions of Clause 2)

1.2 The Planning Obligations are conditional upon:

(a) the Planning Appeal being allowed and Planning Permission being granted by the Inspector and

(b) the Planning Permission being Implemented (save in relation to the Planning Obligations at Clauses 7 and 10 which take effect prior to the Implementation Date)

1.3 Subject to the provisions of Clause 1.2 being satisfied but not otherwise the Planning Obligations at Clauses 5 6 8 and 9 shall take effect as therein stated

2. **Liability after Disposal**

The Owner and its successors in title shall upon transferring the whole or any part of its interest in the Land or Cranford Way be released from all obligations and duties under this Deed in relation to the said interest or part thereof as the case may be but without prejudice to any right of action or remedy that the Council might have in relation to any subsisting breach of any obligation or covenant contained in this Deed

3. **Interpretation**

3.1 In this Deed the following expressions shall where the context so admits have the following meanings:

1990 Act: means the Town and Country Planning Act 1990

Construction Management Plan: means a plan which shall accord with the draft London Code of Practice to be submitted to the Council for its approval as hereinafter provided to mitigate the impact of the construction of the Development on the surrounding environment such plan to contain:

(i) measures to control and minimise noise and dust during the construction of the Development

(ii) controls over the hours of working during the construction of the Development and

(iii) management and control of HGV movements by specifying/restricting routes to be used by construction traffic

Cranford Way: means the access route from Tottenham Lane to the Land which is show for illustrative purposes edged in blue on Plan 1

Development: means the development carried out pursuant to the Planning Permission

Dust Management Scheme: means the scheme of measures to minimise the generation of dust from the Development annexed hereto at Appendix 1

Dust Management Scheme Objective: means the objective of avoiding nuisance due to dust from the Development

Ecological Management Plan: means the plan annexed hereto at Appendix 2 intended to secure the maintenance of biodiversity at the Land while safeguarding the nature conservation interests on and adjoining the Land

Ecological Management Plan Objective: means:

(i) to maintain biodiversity following Implementation and operation of the proposed Development

(ii) to ensure that all works comply with nature conservation legislation and

(iii) to provide opportunities to enhance wildlife within and around the Development for the benefit of nature conservation

First Secretary of State: means the First Secretary of State and Deputy Prime Minister and any successor Secretary of State exercising planning powers under the 1990 Act

Implementation Date: means the date that the Planning Permission is Implemented

Implemented: means implemented by the commencement of a material operation as defined in Section 56(4) of the 1990 Act comprised in the Development but excluding:

(i) site clearance

(ii) ground investigation and site survey work

(iii) site reclamation works

(iv) construction of boundary fencing or hoardings

(v) archaeological investigations

(vi) works of decontamination or remediation

(vii) the laying of services

(viii) the carrying out of services diversion works and

(ix) any work to or in respect of statutory utilities equipment

and the expressions "**Implement**" and "**Implementation**" shall be construed accordingly

Inspector: means the Inspector appointed by the First Secretary of State to determine the Planning Appeal

Land: means land at Ferme Park Depot Cranford Way Hornsey London N8 9DG which is shown for identification purposes edged in red on Plan 1

Noise Management Scheme: means the scheme of measures to minimise noise from the Development annexed hereto at Appendix 3

Noise Management Scheme Objective: means the objective of avoiding disturbance due to noise from the Development

Plan 1: means the plan annexed hereto and marked "Plan 1"

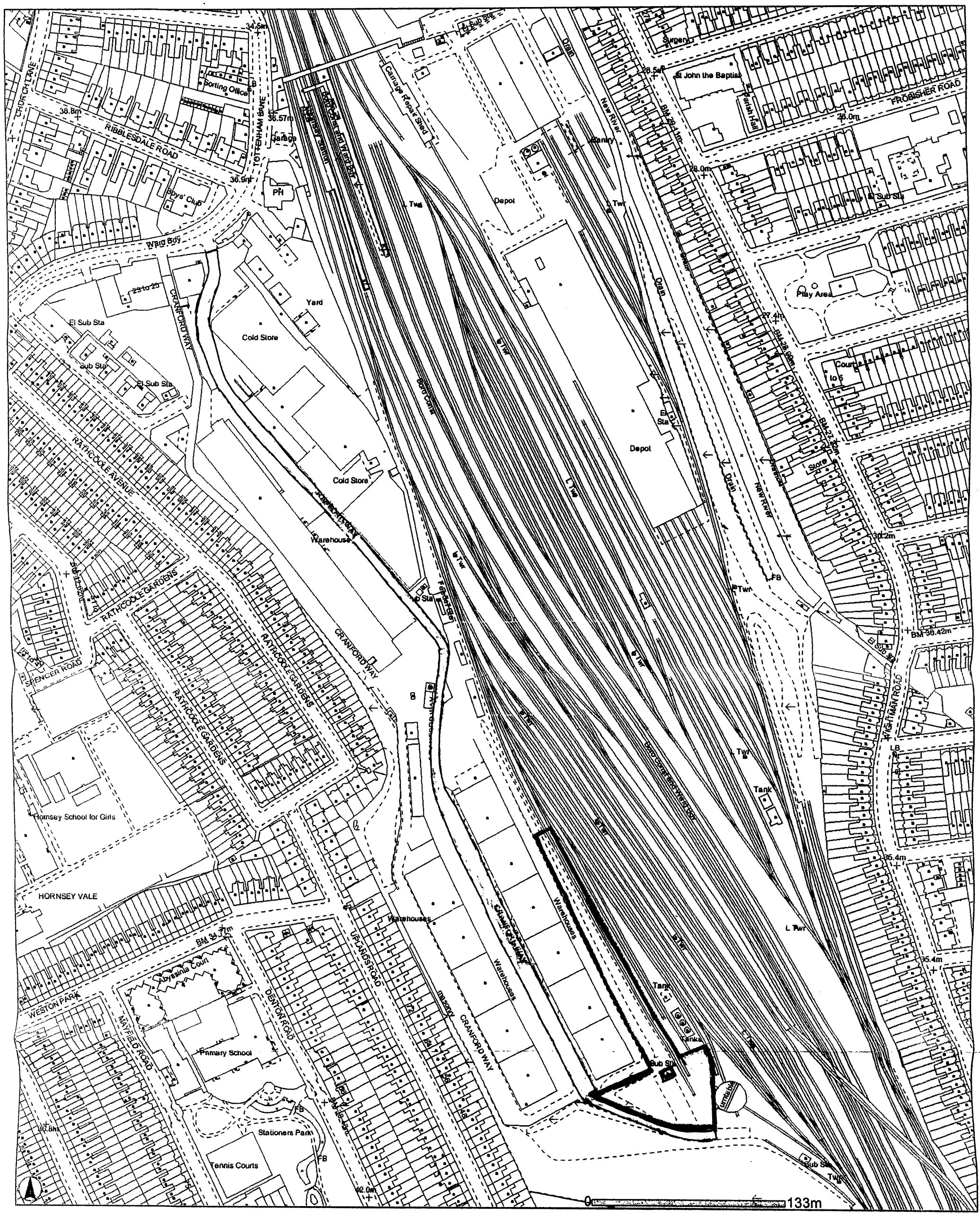
Planning Appeal: means the appeal dated 22 September 2005 against the failure of the Council to determine the Planning Application within the statutory period

Planning Application: means the application for planning permission submitted on behalf of LCL to the Council on 3 December 2004 which was given reference number HGY/2005/0007 for the development of the Land by the erection of a concrete batching plant with associated hoppers conveyors and ancillary facilities with access from Cranford Way

Planning Obligations: means the planning obligations at Clauses 5 6 7 and 8 9 and 10 of this Deed or any one of them

Planning Permission: means any planning permission that may be granted by the Inspector pursuant to the Planning Appeal

3.2 Where in this Deed reference is made to a Recital Clause Paragraph Schedule or Plan such reference (unless the context otherwise requires) is a reference to a recital clause paragraph or schedule in this Deed or in the case of a plan a plan annexed to this Deed



Authorised Plan only as approved
by me on behalf of
[illegible]
2003

DL Barnett

PLAN 1

FERME PARK (HORNSEY)	
Plot Scale	1:2500
Plot Date	24/12/2002
RAILTRACK	

3.3 Words in this Deed importing the singular meaning where the context so admits include the plural meaning and vice versa

3.4 Words in this Deed of the masculine gender include the feminine and neuter genders and words denoting natural persons include companies corporations and firms and all such words shall be construed interchangeably in that manner

3.5 Words in this Deed denoting an obligation on a party to do any act matter or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause permit or permit to be suffered any infringement of the restriction

3.6 Any reference in this Deed to an Act of Parliament shall include any modification extension re-enactment or substitution thereof for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given thereunder or deriving validity therefrom

3.7 Headings contained in this Deed are for reference purposes only and are not incorporated into this Deed and shall not be deemed to be an indication of the meaning of the parts of this Deed to which they relate

4. **General Provisions**

4.1 In the event of the Planning Permission expiring before the Implementation Date or in the event of the revocation or modification of the Planning Permission by the Council or any other authority having power so to do without the consent of the Owner and LCL or in the event of the quashing of the Planning Permission the planning obligations entered into by the Owner and LCL under this Deed shall thereupon cease and determine absolutely

4.2 Nothing in this Deed shall prohibit or limit the right of the Owner or LCL to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) that may be granted whether or not on appeal either before or after the date of this Deed

4.3 To the extent that there is any conflict between the Planning Obligations and the terms of any planning permission(s) that might be granted discharging or amending any of the planning conditions imposed in the Planning Permission the terms of any such subsequent planning permission(s) shall prevail

5. **Dust Management Scheme**

5.1 The Owner hereby covenants that the Development having been Implemented it will immediately and concurrently put into effect the Dust Management Scheme and will strictly comply with the requirements of the Dust Management Scheme

5.2 The Owner hereby covenants that it will in consultation with the Council review and assess the effectiveness of the Dust Management Scheme in achieving the Dust Management Scheme Objective with an initial review and assessment to take place six months after the Implementation Date and subsequent reviews to take place at two yearly intervals beginning two years after the initial review aforesaid and the Owner covenants that it will take any reasonable steps required by the Council to improve the

effectiveness of the Dust Management Scheme in achieving the Dust Management Scheme Objective following any review within a timescale to be agreed with the Council **PROVIDED THAT** in the event of any complaint being made to the Council about airborne dust emissions from the Development which complaint is substantiated by the Council having first discussed any such complaint with the Owner and LCL the Owner covenants that it will review and assess the effectiveness of the Dust Management Scheme in achieving the Dust Management Scheme Objective within a period of three months of receiving a complaint that has been substantiated as aforesaid and will take any reasonable steps to improve the effectiveness of the Dust Management Scheme in achieving the Dust Management Scheme Objective within a timescale to be agreed with the Council

6. **Noise Management Scheme**

6.1 The Owner hereby covenants that the Development having been Implemented it will immediately and concurrently put into effect the Noise Management Scheme and will strictly comply with the requirements of the Noise Management Scheme

6.2 The Owner hereby covenants that it will in consultation with the Council review and assess the effectiveness of the Noise Management Scheme in achieving the Noise Management Scheme Objective with an initial review and assessment to take place six months after the Implementation Date and subsequent reviews to take place at eighteen month intervals beginning eighteen months after the initial review aforesaid and the Owner covenants that it will carry out any reasonable steps required by the Council to improve the effectiveness of the Noise Management Scheme in achieving the Noise Management Scheme Objective following any review within a timescale to be agreed with the Council **PROVIDED THAT** in the event of any complaint being made to the Council about noise emissions from the Development which complaint is substantiated by the Council having first discussed any such complaint with the Owner and LCL the Owner covenants that it will review and assess the effectiveness of the Noise Management Scheme in achieving the Noise Management Scheme Objective within a period of three months of receiving a complaint that has been substantiated as aforesaid and will carry out any reasonable steps to improve the effectiveness of the Noise Management Scheme in achieving the Noise Management Scheme Objective within a timescale to be agreed with the Council

7. **Construction Management Plan**

7.1 The Owner hereby covenants that it will fifty six days prior to the Implementation Date prepare a Construction Management Plan which it shall submit to the Council for its approval in writing

7.2 The Owner hereby covenants that it will not Implement the Development or any part thereof until such time as the Construction Management Plan has been approved by the Council pursuant to Clause 7.1

7.3 The Owner hereby covenants that it will put into effect and comply with the Construction Management Plan to the reasonable satisfaction of the Council

8. **Ecological Management Plan**

8.1 The Owner hereby covenants that the Development having been Implemented it will put into effect the Ecological Management Plan in accordance with an implementation strategy to be agreed with the Council and shall notify the Council that the Ecological Management Plan has been put into effect within a period of twenty eight days of that date and the Owner will comply with the requirements of the Ecological Management Plan

8.2 The Owner hereby covenants that it will in consultation with the Council review the Ecological Management Plan once put into effect every five years for an overall period of fifteen years beginning on the date five years after the date of completion of the putting into effect of the Ecological Management Plan to see whether the Ecological Management Plan has been effective in meeting the Ecological Management Plan Objective and at any review in the event that the Owner in consultation with the Council considers that the Ecological Management Plan could be improved or made more effective in meeting the Ecological Management Plan Objective the Owner shall put forward amendments to the Ecological Management Plan to improve it or to make it more effective and shall put into effect those amendments within a timescale to be agreed with the Council

9. **Driver Training**

9.1 The Owner hereby covenants that it will require that before drivers employed by LCL are allowed to drive Heavy Goods Vehicles in relation to the operation of the Development those drivers shall undergo health and safety and awareness training so that those drivers are aware of the difficulties of potential conflicts between Heavy Goods Vehicles and cyclists using the public highways in Greater London and the Owner shall keep a record of the training sessions undertaken details of which shall be available to the Council upon reasonable request

9.2 The Owner hereby covenants that it will organise periodic refresher courses of the training referred to in Clause 9.1 and the Owner shall keep a record of the refresher courses held details of which shall be available to the Council upon reasonable request

10. **Prior Notice**

The Owner and LCL hereby covenant that so far as reasonably practicable they will give not less than 28 days prior notice in writing to the Council of the proposed Implementation Date

11. **Service Provisions**

Any notice or other written communication to be served upon or given by one party to any other under the terms of this Deed shall be deemed to have been validly served or given if delivered by hand or sent by recorded delivery post to the party upon whom it is to be served or to whom it is to be given or as otherwise notified for the purpose by notice in writing

12. **Contracts (Rights of Third Parties) Act 1999**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Deed and no person other than the parties to this Deed (and any successors in title or successor bodies) shall have any rights under or be able to enforce the provisions of this Deed

IN WITNESS whereof these presents have been executed by the Owner and LCL as a deed and delivered on the day and year first before written

SEAL NO. 21600

Authorised Signatory as a...
by a ...
...
Limited ...

THE COMMON SEAL of)
NETWORK RAIL)
INFRASTRUCTURE LIMITED)
was hereunto affixed in the)
presence of:)

Director

Director/Secretary

EXECUTED as a **DEED** by)
LONDON CONCRETE)
LIMITED)
acting by a Director and a Director)
or Company Secretary)

Director

Director/Secretary

Appendix 1

Dust Management Scheme

APPENDIX 1

CONCRETE BATCHING PLANT
at FERME PARK, HORNSEY
DUST MANAGEMENT SCHEME
for: NETWORK RAIL and LONDON CONCRETE Ltd

January 2006

Dr Barrett

R616-R04

Contents

Report Author:

A D Grant, BSc, MSc, FIQ, MIMMM, CEng

Checked:

G David, BSc, MSc, AIEMA

1 Introduction

1.1 London Concrete has applied to Haringey Council for permission to construct and operate a concrete batching plant on railway land at Ferme Park, Hornsey. Aggregates for use in the process will be delivered to the site by rail.

1.2 In parallel with the planning application, London Concrete has applied to the Council for a Local Authority Pollution Prevention and Control (LAPPC) permit to carry on the process.

1.3 During consideration of the planning application, which is at present the subject of an appeal, Smith Grant Partnership (SGP) was instructed, on behalf of London Concrete and Network Rail, to prepare a dust management scheme for the operation of the plant, the provisions of which will be secured via a Section 106 unilateral undertaking.

1.4 The dust management scheme will form an integral part of the environmental management controls at the plant. This is consistent with the guidance in PGN 3/1 (04) [1], which notes the desirability of a structured approach to environmental management.

1.5 The Council has indicated that, if permission is granted, it is likely to include a condition requiring assurance that appropriate measures are taken during the construction phase to limit impact and to use the draft London Code of Practice, Part 1: *The Control of Dust from Construction.* As the control of construction dust will be secured through planning, it is not therefore included in this scheme.

2 Description of Proposed Development and Site Setting

2.1 Aggregates will be imported by rail via a bottom discharge hopper into storage bins and will be transferred as required directly into the batching plant by conveyor. The discharge hopper, storage bins and conveyors will be fully covered. The batching plant will also be fully enclosed and will be equipped with extraction ducts to retain any dust from the weighing and loading areas. The cement silos will be fitted with alarms and pressure relief valves and will be vented through reverse jet filters. Wet or slurry mixes will be used predominantly during batching operations. The loading bay will be covered and enclosed on three sides to provide shelter from the wind and to contain any dust which might be released. The yard will be surfaced with concrete.

2.2 The site setting is urban, with industrial land on Cranford Way to the north, housing at Chettle Court to the south and Uplands Road to the west, a main railway line to the east and, beyond that, further housing at Wightman Road. A children's play area lies below Chettle Court and the edge of the railway land is designated as a "green corridor". There is little effective screening from the effects of dust between the site and the closest potentially sensitive receptors.

2.3 The annual wind rose for Heathrow indicates that the prevailing winds in the area blow from the south, southwest and west, ie, from the site towards the railway tracks, for a total of 54% of the time annually.

3 Potential for Emissions

3.1 The nature of the proposed operation is such that, in the absence of adequate management controls, airborne dust could be raised from the site. As advised in guidance [2], coarse dust particles greater than 30μm make up the greatest proportion of dust emitted from mineral workings and associated operations, and are largely deposited within 100m of the dust source(s). Adverse impacts are therefore most likely to be experienced within this distance.

3.2 The principal potential sources of dust emissions have been identified as:

- aggregate discharge and storage,
- conveyors,
- cement discharge operations,
- concrete batching and discharge,
- transport and plant movements,
- spillages, and
- housekeeping.

[1] Process Guidance Note 3/1 (04), *Secretary of State's Guidance for Blending, Packing, Loading, Unloading and Use of Bulk Cement*, DEFRA, 2004
[2] *The Environmental Effects of Dust from Surface Mineral Workings*, HMSO, 1995

4 Means of Prevention

4.1 General Requirements

4.1.1 The technical details of the process are specified in the LAPPC application for the process and are not reiterated here. The objective of this scheme is to specify the management measures to control the likely sources of dust during normal operations and abnormal occurrences. These measures are based on the adoption of best available techniques (BAT) as detailed in PGN 3/1 (04) and relevant parts of current best practice for minerals extraction [3].

4.1.2 The guidance details standard good practices which are accepted by the Government and the minerals industry as providing effective protection against the effects of airborne dust. The essence of the guidance is that any impacts can be controlled by effective site management.

4.2 Weather Conditions

4.2.1 With the effective enclosure of all potentially dusty processes, normal operations at the site are not considered to be susceptible to the weather conditions. However, as an over-riding requirement, during dry or windy weather, if any operations are identified as causing or likely to cause visible emissions across the site boundary, or if abnormal emissions are observed within the site, then the Site Manager will immediately modify, reduce or suspend those operations until either effective remedial actions can be taken or the weather conditions giving rise to the emissions have moderated.

4.3 Aggregate Discharge and Storage

4.3.1 If on delivery, the aggregates are found to be dry and potentially dusty, they will be conditioned with water prior to discharge from the rail wagons. During discharge operations, further water will be applied as necessary to control any visible dust.

4.3.2 The rate of discharge will be controlled to ensure that the hopper and bins are not over-filled and that conveyors are not over-loaded.

[3] Minerals Policy Statement 2, Appendix 1B, *Methods for Reducing and Controlling Dust*, ODPM, 2005

4.3.3 External doors and other openings to the clad structures enclosing potentially dusty operations will be kept closed whilst those operations are in progress.

4.4 Conveyors

4.4.1 Conveyor belts and rollers will be inspected daily for wear and alignment and adjusted or repaired as necessary.

4.4.2 Effective scrapers will be fitted to the return belts. All scraped material will be collected up for re-incorporation or disposal.

4.4.3 The covers to the conveyors and discharge points will be checked weekly and repaired or replaced as necessary to ensure full protection from the weather.

4.4.4 Care will be taken at all times to ensure that the conveyors are not over-loaded.

4.4.5 The areas below the conveyor belts will be checked for spillages at weekly intervals. In the event of any spillages, the cause will be investigated and rectified. Any spillages will be cleaned up promptly.

4.5 Cement Discharge Operations

4.5.1 On arrival on site, the tanker driver will report to the Site Manager.

4.5.2 The Site Manager will satisfy himself that all alarms, pressure relief valves and filters have been checked and are operational, in accordance with the maintenance schedule, before any cement [4] is discharged from the road tanker into a silo.

4.5.3 All discharge operations will be carried out strictly in accordance with the written procedures.

4.5.4 The tanker driver will attend the discharge controls throughout the operation and will immediately cease discharging cement should any alarm sound or if a visible emission occurs. The Site Manager will be informed promptly and no further discharge will take place until the cause of the incident has been identified and remedied.

[4] In this context, "cement" includes any other cementitious or fine-grained powder

4.6 Concrete Batching and Discharge

4.6.1 The dust extraction system at the loading bay will be switched on before batching commences.

4.6.2 Batching will not commence until the batcher man is satisfied that the truck mixer is correctly positioned under the discharge point.

4.6.3 The trunking at the discharge point will be checked weekly for wear and / or splits and will be repaired or replaced as necessary.

4.6.4 Batching will be suspended immediately if any spillages occur or in event of persistent dust emissions outside the loading bay. The cause of any spillages or persistent dust emissions will be investigated and appropriate remedial action will be taken. Any spillages will be cleaned up promptly and the rear of the truck mixer will be washed down as necessary using only mains water.

4.6.5 Dry batching will be carried out only when the wet pan is unavailable for maintenance or repair. To minimise the need for dry batching, and where practical, maintenance and repairs will be carried out when batching is not taking place.

4.6.6 External doors and other openings to the clad structure of the plant will be kept closed whilst batching is in progress.

4.7 Transport and Plant Movements

4.7.1 The yard and the access from Cranford Way will be surfaced with concrete or tarmacadam.

4.7.2 A road sweeper fitted with water sprays will be deployed at least twice-weekly to wet-sweep the running areas of the yard and the access route along Cranford Way.

4.7.3 The surface of the yard and Cranford Way will be inspected daily for the presence of deposits of loose material and track-out. Further sweeping will take place as necessary. Arrangements will be made to ensure the ready availability of a road sweeper for this purpose.

4.7.4 The site surfaces will be regularly checked for wear, and any potholes or other defects will be made good promptly.

4.7.5 During dry conditions, the surface of the yard will be hosed down as necessary.

4.7.6 All site plant and heavy goods vehicles will be fitted with upward exhausts to minimise the disturbance of any material from the running surfaces.

4.7.7 A site speed limit of ten miles per hour will be enforced for all vehicles to minimise the entrainment of dust into the atmosphere.

4.7.8 All heavy goods vehicles leaving the site will be checked beforehand by the driver, and will be cleaned as necessary to ensure that material is not dropped on the access road or on the public highway. A high pressure hose and water supply will be kept available at all times to clean the wheels, chassis and other parts of vehicles as required.

4.7.9 The exhaust emissions of all vehicles and plant will be regularly checked. All vehicles and plant owned by London Concrete emitting black smoke will be taken out of service for maintenance checks and repairs. Any other vehicles emitting black smoke will be turned away from the site with the instruction that the matter be remedied before the vehicle is allowed to return.

4.8 Spillages

4.8.1 Any spillages of aggregates or cement will be sprayed as necessary with water and cleaned up promptly. Particular attention will be paid to the area around the bottom discharge unit, the areas under conveyors and other inaccessible parts of the site.

4.9 Housekeeping

4.9.1 All clad structures will be inspected at monthly intervals and repaired as necessary to prevent fugitive dust emissions.

4.9.2 All cladding and external structures will be cleaned at least annually and will be repaired or painted as necessary.

4.9.3 All non-running areas of the yard will be cleared of all deposits and other materials to prevent wind blown dust and to present a tidy workmanlike appearance.

5 Maintenance

5.1 Effective control of airborne dust emissions requires the maintenance and proper use of all plant and equipment. A programme of planned maintenance will be carried out on all plant, in accordance with the manufacturers' recommendations, to ensure that it operates at optimum efficiency.

5.2 Stocks of essential spares and consumable items will be held at the plant or kept readily available for use at short notice.

5.3 Any malfunction or breakdown leading to abnormal emissions will be dealt with promptly and operations will be adjusted or suspended until normal working can be restored. All such malfunctions will be recorded in the site logbook.

5.4 The water supply shall be adequately protected against frost to ensure its availability for dust suppression at all times.

6 Site Management

6.1 The Site Manager will exercise, either personally or by delegation to suitably trained and responsible staff, day to day control on the site. He will be responsible for ensuring full compliance with the dust management scheme and the satisfactory working of the whole site.

6.2 Staff at all levels will receive the necessary training and instruction in their duties relating to all operations and the potential sources of dust emissions. Particular emphasis will be given to dealing with plant malfunctions and abnormal conditions.

6.3 The Site Manager shall be responsible for distributing or sending copies of this dust management scheme to all customers and potential customers of London Concrete Limited and their external hauliers drawing their attention to the need for compliance with the operational requirements set out in this dust management scheme. The Site Manager shall also be responsible for handing to all drivers employed by external hauliers visiting the Land an information sheet (the receipt of which shall be signed for by

the said drivers acknowledging that they have read and understood the information sheet) which will summarise the requirements of Paragraphs 4.7.6, 4.7.7, 4.7.8, 4.7.9 (part) and 6.4 (part) of this dust management scheme.

6.4 Any member of staff who wilfully or negligently fails to comply with the provisions of the dust management scheme will be subject to disciplinary action. Any external hauliers who fail to observe the requirements in respect of vehicle operations will be banned from the site.

6.5 The Site Manager will ensure that a high standard of housekeeping is maintained at all times.

7 Emissions Monitoring

7.1 All activities with the potential to cause airborne dust emissions will be monitored at the start of operations and subsequently at least every four hours throughout the working day. This will include a visual assessment of any impacts at the downwind site boundary.

7.2 All observations and findings, including wind and other weather conditions, will be recorded in the site logbook.

7.3 Should visible dust be generated, the Site Manager will act promptly to identify the source(s) of the dust and take the necessary corrective action. Each event, its cause and the action taken will be recorded in the site logbook.

7.4 If necessary, the Site Manager will instruct the suspension of any operation or process causing visible dust emissions more than 10m from the source or crossing the site boundary until such time as the situation has been resolved.

7.5 Site staff will be instructed to inform the Site Manager whenever visible dust emissions are observed, or appear likely to occur, as a result of any operation or process.

8 Emergency Response

8.1 An emergency response procedure, to be followed by all site staff and cement delivery drivers in the event of a major dust emission, was submitted with the LAPPC application, and will be appended to any permit which may be issued.

8.2 Laminated copies of the procedure will be posted in the control cabin and workplace canteen, and at the bottom discharge unit, cement silo inlets and concrete loading bay to ensure that the correct actions are taken in the event of a major dust emissions.

8.3 For the purposes of emergency response, major dust emissions will be defined as including

- any visible dust crossing the site boundary,
- any visible dust escaping from clad structures,
- persistent visible dust during the unloading and transfer of aggregates into the storage bins and batching plant,
- any visible cement emissions during delivery operations,
- persistent visible dust during dry batching and loading operations,
- persistent visible dust from transport and plant movements, and
- persistent wind blown dust in the yard.

8.4 The contact details of key personnel and organisations will be listed in the procedure.

9 Complaints

9.1 All complaints will be recorded and reported to the Site Manager, who will investigate the circumstances and ensure that the necessary corrective measures are taken. A prompt response will be made to the complainant and a record, including copies of all correspondence and telephone filenotes, will be made in the complaints register.

9.2 The Council will be advised, in writing within one week, of any dust complaint received together with details of the findings of the investigation and any corrective measures which have been taken.

9.3 In the event of any substantiated complaint, the continuing effectiveness of the dust management scheme will be subject to review in response to the incident.

10 Review and Update

10.1 The continued effectiveness of the dust management scheme will be subject to periodic review in consultation with the Council and update. The review process will take into

account the complaints history of the site, observations of dust and any future potentially sensitive developments on neighbouring land.

10.2 Reviews of the scheme will also be undertaken if:

a) the pollution from the installation is of such significance that the existing emission limit values need to be revised,

b) substantial changes in BAT make it possible to reduce significantly emissions from the installation without imposing excessive costs, or

c) operational safety of the activities carried out in the installation requires other techniques to be used.

Appendix 2

Ecological Management Plan

APPENDIX 2

LONDON CONCRETE

FERME PARK, HORNSEY

Ecological Management Plan

February 2006
3620.EcoMgmtPlan.vf

CONTENTS

PLANS

APPENDICES

1. INTRODUCTION

1.1. Background

1.1.1. Ecology Solutions was commissioned by Firstplan Limited on behalf of London Concrete to prepare an Ecological Management Plan to accompany a 106 Agreement in respect of the proposed development of Ferme Park, Hornsey (see Plan ECO1).

1.1.2. In terms of faunal interest, the application site is considered to be of low importance. Nonetheless, both bat and bird species are known to utilise the site, although this use is currently limited in nature.

1.2. Purpose of the Ecological Management Plan

1.2.1. The purpose of this document is to set out a template for the future management of the site, such that species of nature conservation interest are safeguarded and enhanced where appropriate.

2. SPECIES & HABITATS CONSERVATION AND ENHANCEMENT MEASURES

2.1. Although the application site is currently of only relatively limited ecological value a number of ecological enhancements are proposed to enhance the habitats and protected species interest at the application site. These recommendations build on those outlined within the Ecology Solutions' initial Ecological Assessment, dated July 2005. These are summarised in Plan ECO2 and are described below.

2.2. Habitats

Current Status

2.2.1. In summary, the application site is some 6.5ha and primarily comprises a section of railway sidings, track and adjoining areas south of Hornsey Train Station together with a number of manufacturing warehouse buildings and some additional offices. The application site is characterised by these buildings and large areas of hardstanding, in the form of existing internal access roads, strips of grassland and what were obviously former lawns around the hard development. The majority of the habitats present are dominated by bare, re-colonising ground located around the railway sidings with some semi-improved grassland, scrub and scattered semi-mature trees located in the west of the application site.

Objective

2.2.2. The objective of this report is to establish a non-intrusive management regime that will conserve and enhance the existing situation of the application site diversity, particularly enhancing the currently limited opportunities for bird and invertebrate species at the application site through habitat creation and management. The creation of a wildflower grassland and piles of dead wood will facilitate this aim, whilst the retention and management of the scrub will continue to provide nesting habitat.

2.2.3. It is considered that minimal management will be necessary to maintain these habitats, the emphasis being on a 'hands off' approach with the area largely reliant on natural processes.

2.2.4. Management of the vegetation should start after the development work has been undertaken.

Strategy

2.2.5. **Wildflower Grassland.** A native wildflower seed mix of local provenance is to be sown over the retained grassland in the west of the application site and also along the areas where the scrub is removed in the north-west of the site (see Plan ECO2). The planting mix is to consist of Common Bent *Agrostis capillaris*, Sweet Vernal-grass *Anthoxanthum odoratum*, Crested Dog's-tail *Cynosurus cristatus*, Sheep's-fescue *Festuca ovina*, Red Fescue

Festuca rubra, Timothy *Phleum pratense*, Smooth Meadow-grass *Poa pratensis*, Yarrow *Achillea millefolium*, Perforate St John's-wort *Hypericum perforatum*, Oxeye Daisy *Leucanthemum vulgare*, Common Bird's-foot-trefoil *Lotus corniculatus*, Ribwort Plantain *Plantago lanceolata*, Cowslip *Primula veris*, Meadow Buttercup *Ranunculus acris*, Yellow-rattle *Rhinanthus minor*, Common Vetch *Vicia sativa*, Common Knapweed *Centaurea nigra*, Rough Hawkbit *Leontodon hispidus*, Musk-mallow *Malva moschata*, Selfheal *Prunella vulgaris*, Meadow Vetchling *Lathyrus pratensis* and Tufted Vetch *Vicia cracca*.

2.2.6. The area of wildflower grassland is to be subject to an annual cutting / mowing regime to encourage and sustain botanical diversity. In the first year after sowing, the grassland will be strimmed three to four times between spring and autumn as appropriate, to a height of no shorter than five centimetres. The cuttings will be removed from the site. From the second year onwards, the grassland will be cut biannually, to a height of around five centimetres, between late June and August. The exact timing of the cutting will be varied from year to year to allow late-flowering plants to set seed in some years.

2.2.7. **Scrub.** The area of scrub in the west and north-west of the application site will be removed to a certain degree to allow for the creation of the wildflower grassland, however a thick band of scrub will be retained to provide nesting opportunities.

2.2.8. The low key management process will be the clearance of sections of the scrub in rotation every 5-10 years (depending on the speed of growth and / or re-colonisation) to maintain the wildflower grassland.

2.2.9. **Trees.** The trees within the west of the application will be retained where possible and managed sympathetically for the benefit of nature conservation. In addition bat and bird boxes (see below) will be erected upon the trees to allow a net gain of roosting and nesting opportunities within the application site.

2.3. Bats

Current Status

2.3.1. Foraging 45Khz Pipistrelle bats *Pipistrellus pipistrellus* were recorded in the vicinity of the site, principally along the adjacent Stroud Green Railway Site of Local Importance for Nature Conservation (SLINC). These findings were supported by subsequent surveys undertaken by Marishal Thompson and Co.

2.3.2. The site currently provides limited to no roosting opportunities for bats, although a number of trees are present surveys undertaken by Ecology Solutions concluded that few trees had developed features which could support roosting bats.

2.3.3. Information received from the Greenspace Information for Greater London as part of the Ecological Assessment data searches show that there are a number of bat species within the local area including Serotine *Eptesicus serotinus*, Brandt's *Myotis brandtii*, Noctule *Nyctalus noctula* and Pipistrelles *Pipistrellus* sp.

Legislation and Ecology

2.3.4. All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and are also included in Schedule 2 of the Conservation (Natural Habitats &c.) Regulations 1994. These include provisions making it an offence to:

(i) Intentionally or deliberately kill, injure or capture (take) bats;
(ii) Deliberately disturb bats (whether in a roost or not);
(iii) Damage, destroy or obstruct access to bat roosts even if bats are not in residence

2.3.5. There are 16 breeding bat species in Britain. Many of them are considered threatened due to a variety of factors including habitat loss and disturbance/damage to roosts.

2.3.6. Bats are highly mobile flying mammals, which, in Britain, feed entirely on insects. They are able to fly and feed in the dark by using a system of echolocation, which gives them 'sound picture' of their surroundings.

2.3.7. In winter when prey is scarce, British bats hibernate in cool parts of buildings, caves or hollow trees. They may wake occasionally but only become fully active again in the spring.

2.3.8. Like other mammals bats have fur and give birth to live young which they suckle on milk for several weeks until they can fly and feed themselves. Female bats gather together in maternity roosts in summer to give birth and rear their single baby.

Objective

2.3.9. To preserve and enhance the favourable conservation status of bats in the local area. Recommendations arising from the Ecological Assessment were for the provision of new roosting opportunities.

Strategy

2.3.10. **Bat boxes.** At least 5 woodcrete bat boxes, specifically Schwegler 2F and 1FD boxes, will be erected on a number of semi-mature trees within the application site, particularly in the vicinity of Stroud Green Railway SLINC. Boxes should be suitably spaced such that they are not all clustered in one area.

2.3.11. Specifications for bat boxes are shown in Appendix 1.

2.3.12. Boxes should be placed as high up as possible on the main trunks of the trees, yet still within reach by ladder for any checking that may be desirable. Where possible, they should be sited in sheltered wind-free areas that are exposed to the sun for part of the day. Boxes should be placed up to three per tree, distributed equidistant around the trunk so that they face in opposing directions. Boxes should be placed where bats can attain direct and free access to them and not in areas where access is restricted by the presence of dense vegetation.

2.3.13. Boxes should be securely fixed with the nails and brackets supplied from the manufacturer. Alternatively boxes could be strapped to the trees.

2.3.14. The provision of bat boxes and will facilitate a net gain in terms of bat roosting opportunities in the immediate area. These measures accord with the aims of the London Biodiversity Action Plan.

2.3.15. **Foraging.** The majority of bat species strongly rely on navigational features / flight-lines. The retention and management of trees along the small embankment in the west of the site and will ensure that this on site feature is maintained and enhanced, while care should be taken to ensure the development does not have a detrimental effect on the edge of the SLINC which is a known navigation feature / flight-line. Any landscaping planting should use native species of local provenance, such species typically support a richer invertebrate fauna than equivalent non-native species and will maintain good foraging resources for bats.

2.3.16. **Lighting.** Research has indicated that inappropriate lighting can deter certain species from using their usual foraging areas. It is therefore recommended that low spill lighting be utilised wherever possible in order to limit detrimental effects on bats in the local area, particularly in areas with navigational features such as the edge of the SLINC and in areas where it is proposed to install new roosting opportunities.

2.3.17. **Monitoring.** The local bat group will be contacted and asked if they wish to participate in a monitoring scheme.

2.4. Birds

Current Status

2.4.1. The findings of the Phase 1 survey were that the majority of bird species utilising the site were common in nature and that the majority of the existing breeding opportunities are afforded by the existing scrub and trees.

2.4.2. No records of any Schedule 1 or species upon RSPB's Red List from within or immediately adjacent to the application site were returned from the data searches carried out as part of the Ecological Assessment.

Legislation and Ecology

2.4.3. Sections 1 of the Wildlife & Countryside Act is concerned with the protection of wild birds. With certain exception all wild birds and their eggs are protected from intentional killing, injuring and taking; and their nests, whilst being built or in use, cannot be taken, damaged or destroyed.

Objectives

2.4.4. The retention of majority of existing scrub and trees in the west of the site, adjacent to Cranford Way will ensure that breeding opportunities are maintained while new opportunities will be offered by new bird boxes. In addition the sowing of a wildflower mix and creation of log piles will provide increase foraging opportunities for bird species.

Strategy

2.4.5. **Bird boxes.** The provision of 10 bird boxes throughout the site, in particular adjacent to the SLINC, will create additional nesting opportunities for birds. Specifically, these should consist of two 2 Schwegler No 10 Swallow Boxes, 1 Schwegler 9A House Martin Double Nests, 2 Schwegler No 18 Swift Boxes and 5 Schwegler 1B Bird Boxes, which are suitable for many common garden birds (see Appendix 2). Boxes should be suitably spaced such that they are not all clustered in one area.

2.4.6. **Monitoring.** The local RSPB group will be contacted and asked if they wish to participate in a monitoring scheme.

2.5. Other species

2.5.1. The general habitat enhancements namely the sowing of a wildflower seed mix upon the existing area of grassland proposed as part of the scheme will benefit a variety of other species some of which are listed within the London Biodiversity Action Plan.

2.5.2. The wildflower grassland and dead wood piles will provide opportunities for invertebrates such as grasshoppers, lacewings and butterflies. Reptiles such as Slow Worm *Anguis fragilis* and Common Lizard *Lacerta vivipara* (should they colonise), small mammals such as Field Vole *Microtus agrestis* and Mole *Talpa europaea* and birds such as Starling *Sturnus vulgaris*, will also benefit through the available foraging resources and cover.

2.6. Timing of Operations

2.6.1. Year 1

- Clearance of some scrub in the west and north west of the site;
- New wildflower mix planting undertaken;
- Installation of bat boxes;

- Installation of bird boxes;

2.6.2. **Year 2**

- Wildflower grassland cut 3-4 times between spring and autumn, with the cutting removed

2.6.3. **Year 3**

- Start of biannual cutting regime of wildflower grassland.

2.6.4. **Year 5 onwards**

- Clearance of sections of the scrub in rotation every 5-10 years (depending on the speed of growth and / or re-colonisation) to maintain wildflower grassland.

3. SUMMARY & CONCLUSION

3.1. Ecology Solutions was commissioned by Firstplan Limited on behalf of London Concrete to prepare an Ecological Management Plan to accompany a 106 Agreement in respect of the proposed development of Ferme Park, Hornsey.

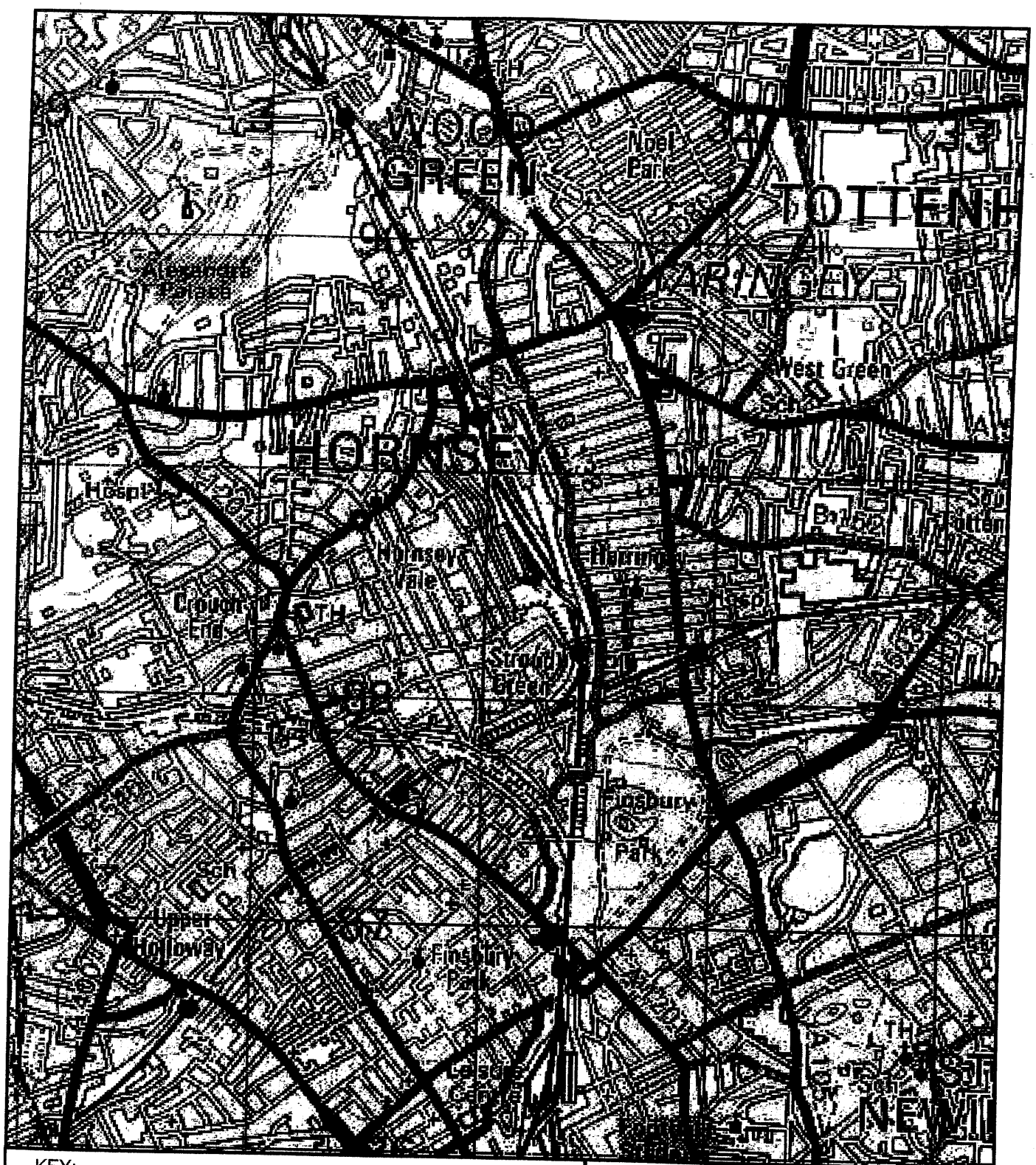
3.2. Specific recommendations have been made with regard to the ecological enhancement and management of the site, including new planting of a wildflower mix using native species of local provenance and the creation of dead wood piles. A number of further ecological enhancements are proposed that will provide new habitats for local Biodiversity Action Plan species such as bats and birds in the form of bat and bird boxes.

3.3. In conclusion, it is considered that the implementation of the management and enhancement recommendations set out in this report will result in significant enhancements for the benefit of nature conservation.

PLANS

PLAN ECO1

Application Site Location



KEY:

APPLICATION SITE LOCATION

N

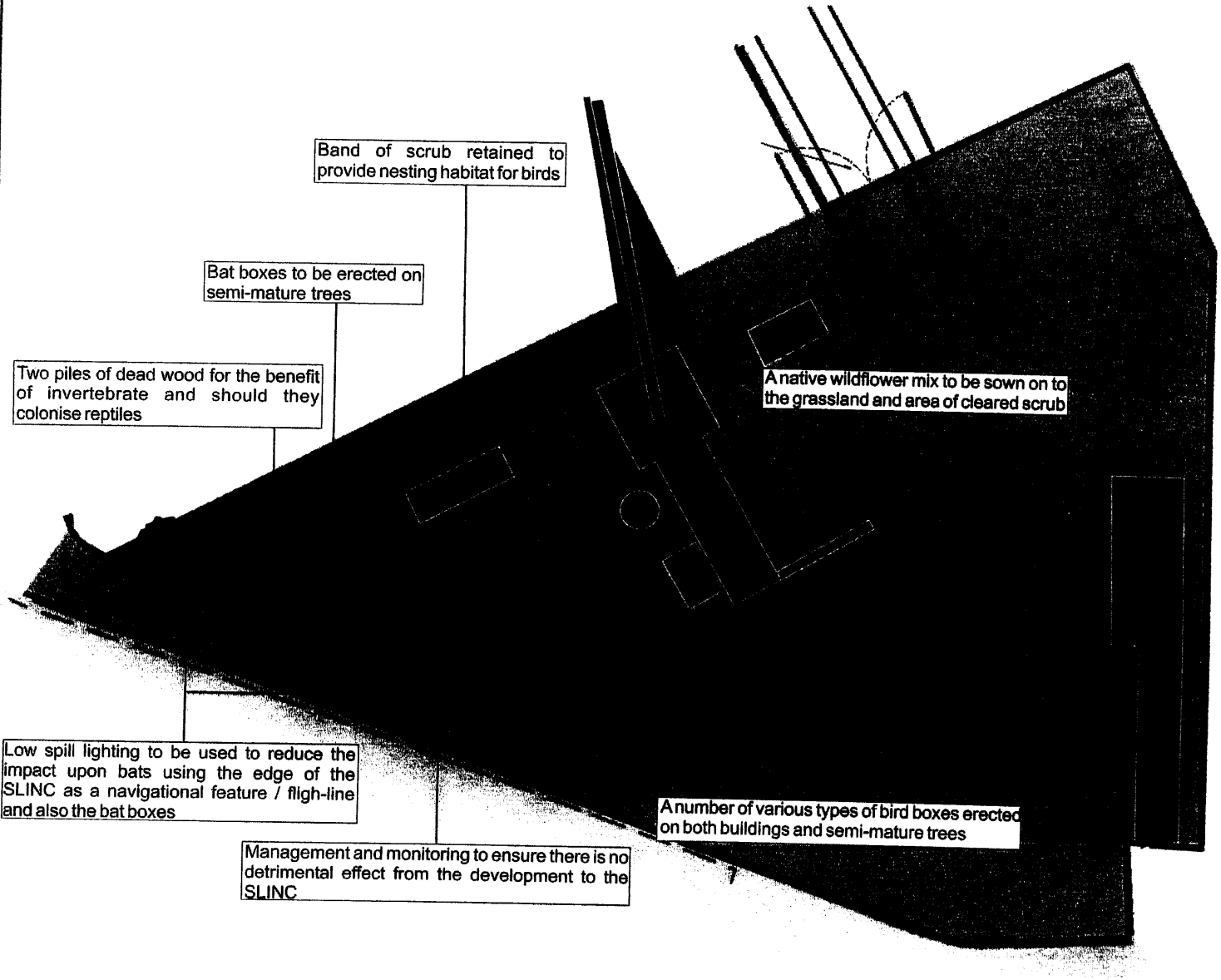
ecology solutions ltd

3620: FERME PARK, HORNSEY

PLAN ECO1: APPLICATION SITE LOCATION

PLAN ECO2

Ecological Management & Enhancements



KEY:

- APPLICATION SITE BOUNDARY
- HARDSTANDING
- BUILDING & STRUCTURES
- SCRUB
- WILDFLOWER GRASSLAND
- TREES
- STROUD GREEN RAILWAY BANK SITE OF LOCAL INTEREST FOR NATURE CONSERVATION (SLINC)

N

Based on Martin O'Brien & Associates Consulting Engineers' Drawing No. 2416/20

ecology solutions ltd

3620: FERME PARK, HORNSEY

PLAN ECO2:
ECOLOGICAL MANAGEMENT & ENHANCEMENTS

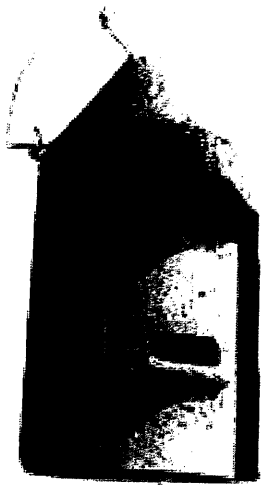
APPENDICES

APPENDIX 1

Bat Box Specifications

Bat Boxes

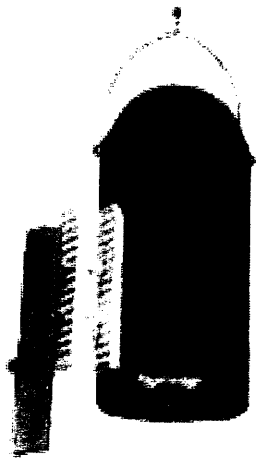
Schwegler bat boxes are made from 'woodcrete' and have the highest rates of occupation of all types of box.
The 75% wood sawdust, clay and concrete mixture is ideal, being durable whilst allowing natural respiration and temperature stability. These boxes are rot and predator proof and extremely long lasting.
Boxes can be hung from a branch near the tree trunk or fixed using 'tree-friendly' aluminum nails.



2F Bat Box

A standard bat box, attractive to the smaller British bat species. Simple design with a narrow entrance slit on the front.

Woodcrete construction, 16cm diameter, height 33cm.



1FD Bat Box

A larger than standard bat box, with two additional roughened l wooden panels inside to be used by the bats as perches.

Woodcrete construction, 16cm diameter, height 36cm.

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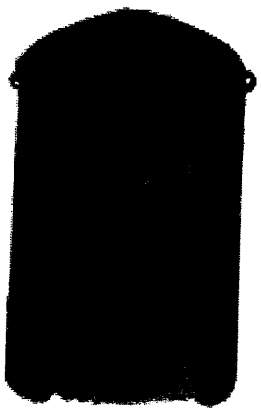
APPENDIX 2

Bird Box Specifications

Bird Boxes

Schwegler bird boxes have the highest rates of occupation of all types of box.
They are designed to mimic natural nest sites and provide a stable environment with the right thermal properties for chick rearing and winter roosting.
Many boxes are made from 'Woodcrete'. This 75% wood sawdust, clay and concrete mixture is breathable and very durable making these bird boxes extremely long lasting.



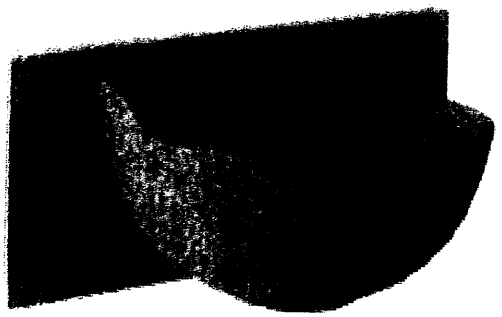
1B Bird Box

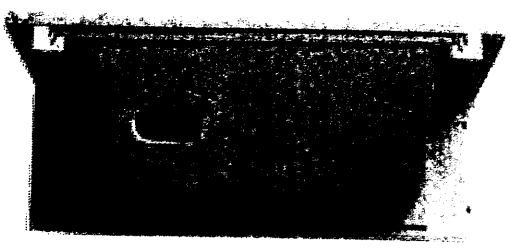
This is the most popular box for garden birds and appeals to a wide range of species. The box can be hung from a branch or nailed to the trunk of a tree with a 'tree-friendly' aluminium nail.

Available in four colours and three entrance hole sizes. 26mm for small tits, 32mm standard size and oval, for redstarts.

No 10 Swallow Box

This box should be located inside buildings such as barns, stables, sheds or outhouses, ensuring there is always access for the birds through a window or opening.





No 18 Swift Box

This nest box is suitable for fixing high under the eaves or under the guttering of a building.

Woodcrete on board backing.
Interior dimensions 14 x 34 x 15 cm.
Exterior dimensions 19 x 50 x 22 cm

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9A House Martin Nests

These woodcrete nests are durable and ready for immediate use when birds return each summer. Easily fixed under the eaves on the outside walls of buildings, at least 2 metres from the ground. The backing board may be painted to match the building.

Model 9A is a double unit with two nests mounted side by side on a backing board, as shown.

Appendix 3

Noise Management Scheme

APPENDIX 3

LONDON CONCRETE LIMITED

SITE AT FERME PARK

NOISE MANAGEMENT SCHEME

Prepared by:

D.F. Sharps
CEng. FIMechE. FIOA.

Project No: 034978

15 February 2006

CONTENTS

1. **Introduction**

1.1 London Concrete Limited propose to establish a concrete batching plant at Ferme Park. The plant will largely be supplied the component materials for the production of concrete, by rail.

1.2 London Concrete Limited are willing to enter into a Section 106, Planning Obligation by Unilateral Deed of Undertaking, part of which includes a Noise Management Scheme. The requirements of this Scheme are set out below.

2. **Site Location and Description of the Proposed Development**

2.1 The site setting is urban with industrial land (comprising the Cranford Way Industrial Estate) on Cranford Way to the north, housing at Chettle Court to the south and Uplands Road to the west, a main railway line to the east and beyond that further housing at Wightman Road.

2.2 The site itself comprises operational railway land to the south-west corner of Ferme Park down sidings which extends along the western side of the East Coast Main Line between Hornsey and Haringey.

2.3 The development proposes the erection of a Lanton Park LP 2000 low level concrete batching plant, incorporating the latest environmental and safety features, with cladding enclosing all of the working elements of the plant.

2.4 The plant itself is orientated towards the railway line with an acoustic screen 8.5m long by 5m high with a 0.5m cantilevered top set at 45 degrees provided to the loading area.

2.5 Aggregates will be imported to the site by rail. It is anticipated that there will be up to three deliveries per week. Cement will be delivered by road tankers.

2.6 Trains will use the existing sidings arriving from the south. The aggregates will then be transferred into enclosed aggregates storage bins via a bottom unloading system and covered conveyor and then transferred by a further conveyor into the concrete batching plant itself.

2.7 The concrete batching operation itself is computer controlled. When required appropriate quantities of material are weighed and batched by the computer controlled system. Following this the materials are discharged by gravity into the truck mixers which then leave the site.

2.8 The plant will be served by a maximum of five mixer trucks.

2.9 Traffic will enter and leave the site by the site entrance via the existing access road onto the two way eastern limb of Cranford Way.

3. Potential for Noise Emissions

3.1 The principal potential sources of noise emissions have been identified as follows: unloading materials from trains, vehicle movements, reversing alarms, filling of vehicles with materials, mechanical noise, noise from product on conveyers and hoppers.

4. Mitigation Measures

General requirements

4.1 Subject to Paragraph 4.1 unloading of aggregates for the London Concrete Limited operations within the bottom unloading shed shall occur only between 0700 to 1900 hours, Monday to Fridays and between 0700 to 1300 hours Saturdays but not at all on public holidays.

4.2 Should any unloading of aggregates for the London Concrete Limited operations within the bottom unloading shed need to be undertaken outside the hours set out in Paragraph 4.1 the Council shall be notified prior to such unloading taking place explaining why the unloading cannot be completed within the normal unloading hours.

Specific requirements in relation to potential noise sources

4.3 Unloading aggregates from trains shall be undertaken by transferring the aggregates into enclosed aggregates storage bins via a bottom loading system and covered conveyer and then transferred by a further conveyer into the concrete batching plant itself.

4.4 All vehicle running areas shall be concrete or tarmac surfaces.

4.5 All London Concrete Limited vehicles shall be fitted with effective exhaust silencers and other mitigation measures such that vehicle noise emissions comply with appropriate EC noise limits.

4.6 Site surfaces shall be regularly checked for wear and any potholes or other defects shall be repaired promptly.

4.7 Reversing alarms fitted to vehicles shall be of the "white noise" type and these shall be used at all times.

4.8 Mixer vehicles shall be filled within the purpose designed loading bay under one of the supply chutes.

4.9 An acoustic screen shall be constructed alongside the loading bay so as to screen both the vehicle and the bay.

4.10 All conveyors and hoppers shall be fully covered so as to prevent noise breakout from material - metal interaction, as far as is reasonably practicable.

4.11 There shall be no digging out of vehicle mixer drums on site.

4.12 Stationary mixer lorries shall not be left with their engines idling whilst on site.

Maintenance

4.13 Effective control of noise emissions requires the maintenance and proper use of all plant, equipment and vehicles. A programme of planned maintenance shall be carried out in accordance with the relevant manufacturers' recommendations and good practice to ensure that the item operates at optimum efficiency.

4.14 Stocks of essential spares and consumable items shall be held at the depot or kept readily available for use at short notice.

4.15 Any malfunction or breakdown leading to abnormal noise emissions shall be dealt with promptly and operations shall be adjusted or suspended until normal working can be restored. All such malfunctions or breakdowns shall be recorded in the site logbook.

Management

4.16 The site manager shall exercise day to day control on the site and will be responsible for ensuring full compliance with the Noise Management Scheme.

4.17 Specifically, the site manager shall assume control, either personally or by delegation to suitably trained and responsible staff, of the following:

- loading and unloading of materials;
- incoming and outgoing vehicle movements;
- inspection and maintenance of all plant; and
- satisfactory working of the whole site

4.18 Staff at all levels will receive the necessary training and instruction in their duties relating to all operations and the potential sources of noise emissions. Particular emphasis will be given to dealing with plant malfunctions and abnormal conditions.

4.19 Any member of staff who wilfully or negligently fails to comply with the provisions of the noise management scheme will be subject to disciplinary action. Any contract hauliers who fail to observe the requirements in respect of reversing alarms will be banned from the site.

5. Complaints

5.1 All complaints will be recorded and reported to the site manager, who will investigate the circumstances and ensure that the necessary corrective measures are taken. A prompt response will be made to the complainant and a record, including

copies of all correspondence and telephone file notes, will be made in the complaints register.

5.2 The Council will be advised, in writing within one week, of any noise complaint received together with details of the findings of the investigation and any corrective measures which have been taken.

5.3 In the event of any substantiated complaint, the continuing effectiveness of the noise management scheme will be subject to review in response to the incident.

6. Review

6.1 The continued effectiveness of the noise management scheme will be subject to periodic review in consultation with the Council. The review process will take into account the complaints history (if any) of the site, observations of noise and any future potentially sensitive developments on neighbouring land. Recognition will be given also to developments in Best Available Techniques.