

Reference: 17/00194/FUL	Site: Coryton Asset Ltd Offices At Former Petroplus Refinery The Manorway Coryton Essex SS17 9LN
Ward: Corringham And Fobbing	Proposal: Full planning application for the demolition of existing structures, stockpiling of inert material, excavation and treatment of contaminated soils, creation of a temporary bio-remediation compound, and associated ecological mitigation landscaping.

Plan Number(s):		
Reference	Name	Received
PL01 A	Location Plan	24th February 2017
001A	Drawing	14th February 2017
737_ECO8	Drawing	14th February 2017
15048_PL03	Drawing	14th February 2017
15048_PL05	Drawing	14th February 2017
15048_PL02	Drawing	28th March 2017

The application is also accompanied by: <ul style="list-style-type: none"> • Air Quality Assessment • Construction Environmental Management Plan • Ecological Appraisal • Flood Risk and Drainage Assessment • Ground Investigation Plan • Land Contamination Management Framework • Planning and Design and Access Statement • Remediation Works Description • Surface Water Management Plan • Transport Statement 	
Applicant: Marcol Industrial Management LLP on behalf of Marcol and Morzine	Validated: 23 February 2017 Date of expiry: 25 May 2017

Recommendation:

A – formally determine that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects

B - Approve, subject to a s106 agreement and conditions

This application is being determined by the Planning Committee in accordance Part 3(b) Paragraph 2.1 (a) of the Constitution as it is considered to have implications to the future development of this strategic site.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Full planning permission is sought for the demolition of the existing structures, stockpiling of inert material, excavation and treatment of contaminated soils, the creation of a temporary bio-remediation compound and associated ecological mitigation landscaping. The proposed works are to bring the land to a safe standard and ready for future development, which would be subject of future planning applications. The works would be expected to last between 9-18 months.
- 1.2 The site comprises of six individual land parcels labelled 'A' to 'F' on the plans totalling 55.4 hectares. The largest parcel of land is the western land parcel labelled as 'F' which is 46.3 hectares. This parcel of land is subject to contamination but also areas where ecology and biodiversity has flourished forming an Open Mosaic Habitat. This area also includes grassland, scrub and a young small woodland, which is not subject to any tree preservation order (TPO). The other land parcels, 'A' to 'E', have no historical development and are identified for future ecological enhancement to compensate for the lost ecological areas lost from the western land parcel 'F'.

Remediation Works

- 1.3 The parcel of land labelled 'F' was formerly used for chemical production, processing and storage before closure and demolition in 1990. This included crude oil storage, bitumen processing, lube oil production, paraffin wax production, asphalt packaging, chemical blending of herbicides and pesticides, alkylate production and waste operations. There have been intermittent small scale land uses on the site since but the site is currently vacant. The 'Land Contamination Management Framework' report identifies that the main contaminants found present from intrusive investigations are petroleum hydrocarbons with localised hotspots of hydrocarbon impact, and low concentrations of pesticides. These would be subject to remediation works along with operational building works to remove the remnants of tank bases, hardstandings, access roads and single storey buildings. The remediation would take place in a two phased arrangement with the

western side of land parcel 'F' remediated as phase 1 and the eastern side of land parcel 'F' remediated as phase 2.

Treatment Compound Area

- 1.4 To enable to remediation works and reduce vehicle movements to and from the site a temporary treatment compound area would be located within the former oil refinery site and would link to the western land parcel 'F' via private routes through the former oil refinery site. The treatment compound would occupy a land area of 1.5 hectares and would include a site office, staff facilities, car park, a generator for power, bioremediation treatment area, soils treatment area and a water treatment area.

Ecological Enhancement Works

- 1.5 The other land parcels ['A' to 'E'] do not form contaminated land but would be subject to landscaping and ecological enhancement to compensate for the loss of habitats within the largest land parcel. These five parcels of land follow the route of Shellhaven Creek extending to 7.05 hectares in total. They contain areas of vegetation alongside the creek and areas of grassland to the east and north of the Calor Gas Terminal. The Manorway Fleet Reed Bed Local Wildlife Site (LWS) follows the route of the Shellhaven Creek and therefore falls within part of the site.

2.0 SITE DESCRIPTION

- 1.6 The site is located in the south east corner of the Borough. To the north and east of the site is the former oil refinery and part of the Thames Oil Port along with a gas fired power station. To the west is an oil distribution depot and the London Gateway Port facility. Beyond the existing built environment to the north is open grassland and marshland.
- 1.7 The principle vehicular access to the site is via The Manorway which serves this site. There are rail sidings in the area that pass through the London Gateway Port site before joining with the main line rail network near Linford to the west. This rail access is for freight use only. The wider former oil refinery site provides river connections via a number of jetties that project into the tidal areas of the River Thames.
- 1.8 The site lies within a high risk flood zone [Flood Zone 3] and is located within close proximity of two Special Protection Areas [SPA] of the Holehaven Creek and the Thames Estuary and Marshes SPA, and three Sites of Special Scientific Interest [SSSI] which are Holehaven Creek [to the eastern site boundary], Vange and

Fobbing Marshes [to the north] and Canvey Wick [to the east]. Also the Manorway Fleet Reed Bed Local Wildlife Site [LWS] falls within part of the site ['B' to 'E' land parcels].

3.0 RELEVANT HISTORY

3.1 None relevant to this application but the largest land parcel 'F' within the site has an extensive planning history relating to former oil refinery uses and chemical production, processing and storage.

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which has been displayed nearby. No representations have been received.

4.3 BUGLIFE:

No response.

4.4 ESSEX FIELD CLUB:

No response.

4.5 ESSEX AND SUFFOLK WATER:

No objection.

4.6 ESSEX WILDLIFE TRUST:

No response.

4.7 ENVIRONMENT AGENCY:

No objection subject to conditions

4.8 ENVIRONMENTAL HEALTH:

No objection subject to the mitigation measures listed in the reports being

implemented.

4.9 EMERGENCY PLANNER:

No objection subject to the Flood Warning and Evacuation Plan being implemented.

4.10 FLOOD RISK ADVISOR

No objection as no new impermeable surfaces are proposed

4.11 HIGHWAYS:

No objection subject to the Construction Environment Management Plan (CEMP) being conditioned for implementation.

4.12 HSE:

No objection.

4.13 LANDSCAPE AND ECOLOGY ADVISOR

No objections subject to the Ecological Mitigation and Enhancement Plan measures being introduced. In terms of the Habitat Regulations Assessment the proposal would not have any likely significant effect on the Holehaven potential Special Protection Area (SPA) and the Thames Estuary and Marshes SPA.

4.14 NATURAL ENGLAND:

No comments

4.15 PORT OF LONDON AUTHORITY:

No response.

5.0 POLICY CONTEXT

1.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- Core Planning Principles
- Building a strong, competitive economy
- Promoting sustainable transport
- Requiring good design
- Conserving and enhancing the natural environment
- Meeting the challenge of climate change, flooding and coastal change

1.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Climate change
- Design
- Flood Risk and Coastal Change
- Hazardous Substances
- Land affected by contamination
- Natural Environment
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Transport evidence bases in plan making and decision taking
- Use of Planning Conditions

Local Planning Policy

1.3 Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP2 (Sustainable Employment Growth)

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP6 (Strategic Employment Provision)
- CSTP15 (Transport in Greater Thurrock)³
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP27 (Management and Reduction of Flood Risk)²
- CSTP28 (River Thames)²
- CSTP29 (Waste Strategy)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)²
- PMD15 (Flood Risk Assessment)²
- PMD16 (Developer Contributions)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

1.4 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

1.5 Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

1.6 Thurrock Borough Local Plan (1997)

The Borough Local Plan was adopted Council in September 1997. By law, although the end date of the Borough Local Plan has passed, its policies were automatically saved. The saved policies were originally intended to be replaced by the Local Development Framework, including the Core Strategy Local Plan, the Site Allocations Local Plan and Minerals and Waste Local Plan, once adopted. In February 2012, Council approved a revised schedule of saved policies and annexes. Policies listed in this schedule still form part of the development plan and are a material consideration when deciding planning applications. For the assessment of this application, Policy E8 (Oil Refineries) is applicable.

1.7 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

1.8 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the summer of 2017.

1.9 Thames Enterprise Park Final Interim Masterplan (2015)

In May 2015 the masterplan was finalised which identifies the development strategy and planning considerations for the creation of the Thames Enterprise Park to occupy the previously developed land at the former Coryton refinery. This masterplan sets out a series of guiding principles to be pursued with future development proposals for creating the vision for the area.

6.0 ASSESSMENT

1.10 The planning issues to be considered in this case are:

- I. Principle of the Development
- II. Land Contamination and Remediation Works
- III. Impact upon Biodiversity and Ecology
- IV. Impact upon the Green Belt
- V. Traffic Impact, Access and Car Parking
- VI. Socio-economic Benefits
- VII. Design and Layout
- VIII. Noise and Air Quality
- IX. Flood Risk and Site Drainage
- X. Planning Obligations
- XI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

1.11 The majority of the site and the wider former Coryton Oil Refinery is allocated in the LDF Proposals Map as employment land but are not specifically referred to in the policy CSSP2 because the LDF was originally adopted [before the focused review] in December 2011 and the oil refinery ceased production in June 2013. Instead the site and the wider former Coryton Oil Refinery are considered as 'Primary and Secondary Industrial and Commercial Areas' through policy CSTP6, apart from land parcel 'A', as identified in the plans which falls within the Green Belt whereby policies CSSP4 and PMD6 apply.

1.12 As the site is part of the former Coryton Oil Refinery site Borough Local Plan 'saved' policy E8 applies and seeks to retain allocated oil refinery sites and allow for their expansion. This saved policy was to be superseded by the Site Specific Allocations DPD through the LDF; however, for the reasons explained above in paragraph 5.7 the Site Specific Allocations DPD is no longer being progressed.

1.13 In terms of national policy the NPPF's three dimensions of sustainable development (para 7) need to be satisfied for the 'presumption of sustainable development' (para

14) to apply, in particular regard to the environmental role with the proposed remediation works and impact that would have upon existing ecology and biodiversity and largest part of the site, land parcel 'F'.

- 1.14 Parts of the wider area of the former oil refinery have been rebranded the Thames Oilport with the existing terminal being refurbished for the bulk import and blending of fuels, but not refining. Since the cessation of oil production at the Coryton refinery this area is now recognised as a Growth Hub with 400 acres of land now available for development. Its historic refining use and supporting infrastructure, together with its location and river access, present an opportunity to create a genuine cluster of energy related industries co-located with supply chain companies and research and development firms. This part of the site has been branded as Thames Enterprise Park aimed at attracting firms from the environmental technologies and energy sectors with the potential to create up to 2,000 new jobs to accord with the LDF policies CSSP2 and CSTP6. The Thames Enterprise Park Final Interim Masterplan (2015) was finalised in May 2015 and whilst not a statutory Development Plan document the 'Masterplan' identifies a vision for the area with guidance to future development proposals.
- 1.15 This application site relates to the six individual land parcels labelled 'A' to 'F' on the plans with the largest parcel of land 'F' is subject to contamination. Instead of this land be remediated as part of a wider masterplanning application for the site the applicant is seeking to remediate the site first so this land is 'ready' for future development without having to remediate and delay the implementation of a future development following any future planning permission for the re-development of the Thames Enterprise Park. The other land parcels, 'A' to 'E', have no historical development and would be subject to ecological enhancement to compensate for any existing ecological areas lost from the western land parcel 'F'.
- 1.16 The proposals would create 15 jobs over the 9-18 month programme for this work.
- 1.17 In conclusion under this heading, the principle of the proposal is considered acceptable.

II. LAND CONTAMINATION AND REMEDIATION WORKS

- 1.18 As detailed in the 'Remediation Works Description' report the contaminated land would be subject to remediation along with operational building works to remove the remnants of tank bases, hardstandings, access roads and single building. The works to remove contaminated soils will be taken to the temporary Treatment Compound. The remediation works comprise of the following:
- Trial pitting to define the extent of contamination,

- Asbestos collection of materials;
- Excavation of shallow soils;
- Recovery of hydrocarbons from shallow perched water;
- Loading of 32t tipper trucks with transportation to the temporary Treatment Compound;
- Processing and reuse of bitumen spills;
- Break up of tank base foundations and hardstandings. Concrete then loaded onto tipper trucks and taken to a mobile concrete crusher on site in the temporary Treatment Compound;
- Any contaminated material that can't be treated will be taken to landfill.

- 1.19 Following the remediation work the ground surface would be re-established to comprise of made ground with excavations backfilled.
- 1.20 The proposed remediation work for land parcel 'F' would take place in a two phased arrangement with the western side of this land parcel remediated as phase 1 and the eastern side as phase 2. The process would support 15 employees for the duration of the works.
- 1.21 The Council's Environmental Health Officer has no objections to the findings of the 'Land Contamination Management Framework' and 'Remediation Works Description' reports subject to the mitigation being carried out, which will be a requirement of a planning condition. The Environment Agency similarly raise no objections subject to conditions being imposed regarding the contamination and remediation works.

III. IMPACT UPON BIODIVERSITY AND ECOLOGY

- 1.22 The application site is located within close proximity [600m] of Holehaven Creek which is a SSSI [UK designation] but has also been identified as a potential Special Protection Area [SPA] [European designation]. The site is also close to the Thames Estuary and Marshes SPA, which is 1.5km to the south. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 61 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) *is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) *is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

- 1.23 It is recognized that the Holehaven Creek and the Thames Estuary and Marshes support nationally important populations of overwintering birds. The Council's Landscape and Ecology Advisor has stated that as the site, and in particular land parcel 'F' in this instance, does not form any primary functional habitats for qualifying species, such as mudflats, saltmarshes and grazing marshes there would not be any likely effects upon the Holehaven Creek potential SPA and the Thames Estuary and Marshes SPA. Furthermore the existing seawall, which is located at a higher ground level than the site, would help reduce the effects of noise and lighting from the remediation works. Any necessary measures to mitigate can be secured through planning conditions, in particular the Construction Environmental Management Plan.
- 1.24 It is therefore recommended that the local planning authority formally determine the Habitat Regulation Assessment that, on the basis of the information available, the proposed works would not have a likely significant impact on a European site either alone or in combination with other plans or projects. This recommendation, set out as 'Recommendation A' below, should be considered before 'Recommendation B' [the recommendation to approve planning permission].
- 1.25 The 'Ecological Appraisal' explains that surveys were undertaken at the site in 2013, 2015, and between April 2016 and January 2017. Land parcels 'A' to 'E' have not been developed and therefore provide natural habitats in terms of terrestrial based ecology and water based ecology within the Shellhaven Creek. These land parcels will remain and are proposed to be enhanced to compensate for lost habitat from land parcel 'F' so there would be no loss of ecological habitat, instead ecological enhancement. Within land parcel 'F' there is a small young woodland area, not covered by any tree preservation order [TPO] but as a brownfield site the ground is dominated by hardstandings, Open Moasic Habit and scrub. Some of this habitat will remain as such, for instance along the river banks of the Shellhaven Creek. The surveys reveal the presence of the following protected species: bats; water voles [within the Shellhaven Creek]; breeding birds; the common lizard and invertebrates in various parts of this land parcel. A translocation exercise would relocate species to the ecological enhancement areas. It is also identified that further ecological enhancement areas would be created following the future re-development of the former oil refinery.

- 1.26 Before any ecological mitigation works are undertaken within the site further survey work would need to take place. A 'Ecological Mitigation Strategy Plan' demonstrates the following:
- Further re-assessment for the presence of Great Crested Newts
 - Selective scrub clearance and overseeding with wildflowers
 - Retention and improvement creating Open Mosaic Habitats through swales, butterfly banks, depressions and deadwood piles
 - Creation of sandy banks providing for nesting habitats
 - Creation of butterfly banks and brownfield swales
 - Improvements to enhance the Shellhaven Creek
- 1.27 The Council's Landscape and Ecology Advisor raises no objections subject to these works/mitigation measures being conditioned requiring implementation.

IV. IMPACT UPON THE GREEN BELT

- 1.28 Land parcel 'A' falls within the Green Belt but no contamination is present within this land parcel and as explained above only ecological enhancement works would take place, which for this land parcel would comprise of overseeding with wildflowers. The openness and permanency of the Green Belt for this land parcel will remain the same to accord with the requirements of the NPPF and policy PMD6.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 1.29 Access to the site is via The Manorway (A1014) which connects to the A13 at the Stanford Le Hope junction. The remediation site, land parcel 'F', is accessed via a private road [Fleet Street] which connects to The Manorway. The Transport Statement [TS] recognises that the development of the London Gateway port and logistics park have led to the highway network being upgraded to accommodate the additional vehicle movements expected in this area when the developments are fully implemented. Because of these works the TS recognises that there is 'considerable spare capacity' on the existing highway network at this current time.
- 1.30 For public transport bus route 300 provides a regular service and the nearest bus stop is at the London Gateway site and this is a less than 1km from the site. The nearest train service can be accessed at Stanford Le Hope railway station on the London, Tilbury and Southend railway line.
- 1.31 The works would involve clearance of structures, crushing of hardstandings and remediation of soil which would require specific plant and machinery to be brought onto the site such as excavators, dump trucks [20t load], concrete crushers, rollers, and bulldozers. The vehicle movements will be from land parcel 'F' to the temporary

treatment compound all within private land and not onto the public highway. When HGV's need to enter and leave the site using the public highway network the TS advises that there would be up to 8 daily vehicle trips and the impact upon the public highway network would be 'negligible'. The Construction Environmental Management Plan (CEMP) includes details of wheel washing facilities, road condition surveys, hours of use, routing method for HGV's to the site. The Council's Highway Officer has raised no objection subject to the CEMP being implemented. The development is considered acceptable with regard to policy PMD9 (Road Network Hierarchy).

VI. DESIGN AND LAYOUT

- 1.32 The proposals would lead to improvements to the site through the removal of contaminated land, hardstandings, tanks and structures. This combined with the ecological enhancement works would lead to visual improvements to the site. The treatment compound would be a temporary arrangement and is acceptable in its location which is surrounded by industrial development. Therefore no objections are raised with regard to policy PMD2.

VII. NOISE AND AIR QUALITY

- 1.33 The background noise environment in this location is based on the surrounding industrial activities so the nearest noise receptors are industrial uses. The nearest residential development is significantly distant from this site and would not be adversely affected by this proposal. The proposal is therefore acceptable with regard to the requirements of policy PMD1.
- 1.34 The site is not within an Air Quality Management Area (AQMA) and there are no residential properties in close proximity of the the site, but an Air Quality Assessment accompanying the application demonstrates that in dry conditions there would be the potential for dust to be generated and dust suppression techniques would be implemented to contain dust and minimise airborne pollution through the CEMP. There are no residential properties in close proximity of the site that would be adversely affected by dust emissions. The proposal is therefore acceptable with regard to the requirements of policy PMD1 (Minimizing Pollution and Impacts on Amenity).

VIII. FLOOD RISK AND SITE DRAINAGE

- 1.35 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. Although not specifically

identified it is considered that the proposal is likely fall within the 'less vulnerable' use on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.

- 1.36 Paragraph 104 of the NPPF advises that 'for individual developments on sites allocated in development plans through the 'Sequential Test', applicants need not apply the 'Sequential Test'. As the application is a strategic allocation within the LDF Proposal's Map as an 'Employment' allocation the 'Sequential Test' does not need to be applied. There is also no requirement to apply the 'Exception Test' as the development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 1.37 The Flood Risk Assessment (FRA) identifies that the site is protected from tidal flooding by sea defences for a 1 in 1000 year event from the River Thames which would be the main source of tidal flooding. Flooding from surface water run off, reservoir and groundwater is of low risk. The topography of the site is flat with ground levels of between 3-4m (AOD). The geology in this location is underlain by between 11 – 17m of alluvium of mainly sand, silt and clay with sandy clay and firm gravelly clay below. Above the geology is between 0.15 – 3.6m of made ground.
- 1.38 This proposal would result in removal of hardstandings, tank bases, access roads and single storey buildings which would remove the large areas of impermeable surfaces. The remediation works would lead to retention of existing drainage arrangements as advised in the Surface Water Management Strategy, which would be conditioned to any approval to ensure the mitigation measures contained therein are implemented. This will ensure flood risk is minimized on site. Overall the Flood Risk Advisor raises no objections as no new impermeable sources would be created and in fact the proposal would lead to large scale removal of the hardstanding areas which cover the majority of this site. The proposal would not increase flood risk and therefore accords with policy PMD15.
- 1.39 Future re-development of the site, which would be subject to a separate application process which would need to include a surface water management system.
- 1.40 The Flood Warning and Evacuation Plan (FWEP) provide measures for workers on site to evacuate in a flood event, which would be conditioned to any approval as required by the Emergency Planner.

IX. OTHER MATTERS

- 1.41 To the west of the site is the Shell Haven petrol storage facility. Land parcel 'F' is closest to this site but given the remediation works proposed with no end user as

part of this application the proposal would not result in any significant impacts upon this use or any pipelines within this area and the HSE raises no objections.

- 1.42 In the interest of ecology and the wider area details of lighting to be used for the proposal will need to be conditioned for approval before any lighting is installed and is operational.
- 1.43 The agent is offering the potential for a financial contribution to be made towards an appropriate offsite mitigation scheme where certain onsite mitigation is not deemed sufficient. This requirement can only be determined through the findings of the remaining ecological surveys. To allow for a financial payment to be made, if required, a planning obligation through a section 106 agreement is necessary. The Head of Terms for this would be to offer off site financial contribution for ecological mitigation.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 1.44 In summary, the proposed remediation works and ecological mitigation measures proposed through this application would lead to significant environmental improvements to the largest land parcel ['F'] within the site. This large scale remediation work would also allow the site to be made ready for future development [which would be subject to separate planning permission].
- 1.45 The remaining land areas within the site would be used for ecological mitigation as part removing ecological habitats and foraging areas away from land parcel 'F' to land parcels 'A' to 'E', with these areas also enhanced to the benefit of ecology in this area.
- 1.46 The environmental benefits of the proposal therefore accords with LDF policies and the environmental role of the NPPF and PPG.

8.0 RECOMMENDATION

8.1 Recommendation A:

That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

8.2 Recommendation B:

Approve subject to the applicant and those with an interest in the land entering into

an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- In the event of the need for off site ecological mitigation measures arising from the additional habitat surveys to be undertaken at the site, as identified in condition 5, a financial contribution for off site ecological mitigation shall be provided to accord with the future details set out in the Habitat Management Plan, as identified in condition 6.

And subject to the following conditions:

Standard Time

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission and shall be completed within 3 years following commencement.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The ‘Remediation Works’, ‘Treatment Compound’ and ‘Ecological Enhancement Works’ hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
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PL01 A	Location Plan	24th February 2017
001A	Drawing	14th February 2017
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15048_PL03	Drawing	14th February 2017
15048_PL05	Drawing	14th February 2017

Reason: For the avoidance of doubt and in the interest of proper planning.

Land Contamination Management Framework and the Remediation Works Description

3. The ‘Remediation Works’ and use of the ‘Treatment Compound’ hereby permitted shall be carried out in accordance with the strategies and mitigation measures stated within the ‘Land Contamination Management Framework’

dated December 2016 and the 'Remediation Works Description' dated January 2017.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development.

Temporary Lighting

4. Any lighting for the site shall only be temporary lighting for use within the 'Remediation Works' area and within the 'Treatment Compound'. The lighting shall be angled in a direction to illuminate the working areas only to avoid light spillage, shall be switched off when not required and shall only be used in accordance with the hours of use for the site as set out in the 'Construction Environment Management Plan' dated 8 March 2017.

Reason: To minimise light pollution with regard to nearby sensitive ecological areas which are either designated or non designated sites and to accord with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

Habitat Surveys

5. Prior to the commencement of Phase 2 as shown on Plan 15048 PL05 detailed habitat surveys and associated management measures and mitigation works for shall be submitted and approved by the Local Planning Authority. The habitat management measures and mitigation works shall be implemented as approved and retained as such thereafter.

Reason: In the interests of ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

Habitat Management Plan

6. No 'Remediation Works' within Phase 2 as shown on Plan 15048 PL05 shall commence until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the local planning authority.

The content of the HMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body(ies) or organization responsible for implementation of the plan, the 'Management Organisation'.
- h) details of the legal and long-term funding mechanism(s) for the approved 'Management Organisation'
- i) Contingencies and/or remedial action so that the scheme delivers the fully functioning biodiversity
- j) Ongoing monitoring and remedial measures.

The HMP shall be implemented in accordance with the details as approved and retained as such thereafter.

The details of any change in the approved 'Management Organisation' shall be provided in writing to the local planning authority within one month of the change taking place.

Reason: In the interests of ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

Ecological and Habitat Enhancements

7. Within 2 months following completion of the 'Remediation Works' the 'Ecological Enhancement Works' as defined within the 'Ecological Mitigation Strategy Plan' and as stated within the 'Ecological Appraisal' report dated January 2017 shall be implemented and retained as such thereafter.

Reason: In the interests of improving ecology and biodiversity at the site in accordance with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

Surface Water Management Plan

8. The 'Remediation Works', 'Treatment Compound' use and 'Ecological Enhancement Works' hereby permitted shall be carried out in accordance with details contained within the 'Surface Water Management Plan' dated February 2017.

Reason: To assess and prevent the pollution of groundwater and flooding through development, to protect water quality, to improve habitat and amenity, in accordance with policies PMD1, PMD2 and PMD15 of the adopted LDF Core Strategy and Policies for the Management of Development.

Flood Warning and Evacuation Plan

9. The 'Flood Warning and Evacuation Plan' within Annex G of the 'Flood Risk and Drainage Assessment' dated January 2017 hereby approved with this permission shall be made available for inspection by all users of the site and shall be displayed in a visible location within the 'Treatment Compound' at all times following first use of the site.

Reason: In the interests of safety and to ensure the necessary evacuation processes are followed in a flood event in regard to Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

Construction Environment Management Plan (CEMP)

10. The 'Remediation Works', 'Treatment Compound' and 'Ecological Enhancement Works' hereby permitted shall be carried out in accordance with details contained within the 'Construction Environment Management Plan' dated 8 March 2017, unless otherwise agreed in writing with the local planning authority.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with Policies PMD1, PMD2, PMD7, PMD8, PMD9 and PMD15 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD

Removal of Treatment Compound

11. Within 4 months following completion of the 'Remediation Works' and/or 'Ecological Enhancement Works' the 'Treatment Compound' and all resulting debris, materials and associated paraphernalia shall be removed from the site, and the land shall then be restored in accordance with details shown within a restoration plan which shall be submitted to and approved by the local planning

authority. The restoration plan shall be implemented as approved within 2 months following its approval.

Reason: In the interests of amenity and environment improvements in accordance with Policies PMD1 and PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD

Positive and proactive statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

