

<p><b>Reference:</b> 22/01596/CV</p> <p><b>Ward:</b> Stanford Le Hope West</p>	<p><b>Site:</b> Land at far east of Stanhope Industrial Park Wharf Road Stanford Le Hope Essex</p> <p><b>Proposal:</b> Application for the variation of condition nos. 2 (approved plans), 4 (noise assessment) and 5 (ecology) of planning permission ref. 19/01534/FUL (The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity generation facility with associated infrastructures and fencing around the compound) to amend layout and design</p>
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**Plan Number(s):**

Reference	Name	Received
L(200)02	Site Location Plan	29 November 2022
BG20.276-BRGR-ZZ-ZZ-DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
CP0114-GA-001 Issue TS	Plan View	29 November 2022
H8306-001	Conceptual Drainage Layout	14 December 2022
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022

The application is also accompanied by:

- Covering letter, dated 14 December 2022
- Letter regarding ecology from Brindle Green to Electric Land
- Air Quality Assessment, November 2022 Report Ref: 01.0269.001 v1, Isopleth Ltd.
- Noise Assessment, Ref: J003112-4641-ECE-03, November 2022, Philip Dunbavin Acoustics Ltd

**Applicant:**  
FPC (SLH) Limited

**Validated:**  
14 December 2022  
**Date of expiry:**  
20 March 2023 (Extension of time agreed with applicant)

**Recommendation:** Approve

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Hebb, Cllr Halden, Cllr Arnold, Cllr Ralph and Cllr Anderson in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider potential air quality, ecological and noise amenity impacts on the local residential and ecological areas.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 Application 19/01534/FUL was approved in August 2022 subject to 9 planning conditions. This application has been submitted pursuant to s73 of the 1990 Act and seeks to vary conditions 2 (approved plans), 4 (noise assessment) and 5 (ecology).
- 1.2 The variations are required due to advances in technology since the original planning application was submitted. The scheme would be amended to include 11no. 4.5MW engines, which would result in a total facility capacity of 49.5MW. The proposed engines are the same as those that are approved in respect of fuel type, air quality emission limits and operation. However, the key difference is that the revisions that are sought will result in fewer engines, which are larger in size.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is located at the eastern-end of the Stanhope Industrial Park which comprises a mix of commercial employment generating uses. The site comprises a roughly triangular-shaped land parcel extending to c.0.56ha in area. The site presently has a mix of scrub vegetation and cleared areas. It is previously developed land which was previously used for a combination of industrial and warehousing uses. The site is allocated as a Secondary Industrial and Commercial Area within the Core Strategy.
- 2.2 The site is to the eastern edge of Stanhope Industrial Park, which comprises a mix of commercial employment generating uses. To the south-west of the site is an area of vegetation, pond and the tidal defence bund. To the south of the bund is the Stanford Wharf Nature Reserve (RSPB). To the south-east is the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site.

**3.0 RELEVANT HISTORY**

Application Ref.	Description of Proposal	Decision
19/01534/FUL	The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity	Approved

	generation facility with associated infrastructures and fencing around the compound.	
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#### **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](http://www.thurrock.gov.uk/planning)

##### **PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There was one letter of objection received, referring to traffic and pollution.

4.3 **DP WORLD:**

No response received.

4.4 **ENVIRONMENTAL HEALTH:**

No objections.

4.5 **ENVIRONMENT AGENCY:**

No objections.

4.6 **LANDSCAPE & ECOLOGY:**

No objections, subject to conditions regarding an updated CEMP and details of piling.

#### **5.0 POLICY CONTEXT**

##### National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

c) approving development proposals that accord with an up-to-date development

plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

<sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

5.2 The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

5.3 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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality;
- Appropriate assessment;
- Design: process and tools;
- Light pollution;
- Natural environment;
- Noise; and
- Renewable and low carbon energy.

Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan” in (as amended) in 2015. The following Core Strategy policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP26 (Renewable or Low Carbon Energy Generation)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation).

Thurrock Local Plan

- 5.5 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to

preparing a new Local Plan.

Thurrock Design Strategy

5.6 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

**6.0 ASSESSMENT**

Background

6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. The original full planning application was not called in to Planning Committee and the decision was therefore a delegated to Officer decision. The original delegated report has been attached as an appendix for Members information.

6.2 Where an application submitted under s73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected. Accordingly, if the current application is approved, the original consent 19/01534/FUL, and the current proposal would comprise ‘self-contained’ planning permissions. Although the latter permission can be assumed to represent the more ‘up to date’ consent.

6.3 The proposal seeks variations to condition numbers. 2 (approved plans), 4 (noise assessment) and 5 (ecology). These are assessed below.

Condition 2 – Approved Plans

6.4 The current condition reads:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

<b><i>Plan Number(s):</i></b>		
<u><i>Reference</i></u>	<u><i>Name</i></u>	<u><i>Received</i></u>
<i>L(200)01 Rev N</i>	<i>22No 2MW Engines Proposed Site Plan</i>	<i>19 May 2022</i>
<i>L(200)02</i>	<i>Site Location Plan</i>	<i>5 November 2019</i>
<i>L(200)03</i>	<i>Existing Site Plan</i>	<i>9 October 2019</i>

L(200)-ILP Rev A	Indicative External Lighting Strategy	15 August 2022
L(300)01 Rev B	Elevations	5 April 2022
(300)02	Containerised Generator 1 of 2	9 October 2019
(300)02	Containerised Generator 2 of 2	9 October 2019
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)05	12m Long Switch Room	9 October 2019
(300)06	Spare Parts Container	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)08	Control Room	9 October 2019
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	5 April 2022
BG20.276- BRGR-ZZ-ZZ- DR-L-00001 Rev.P01	Landscape Mitigation Plan	17 August 2021

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].*

6.5 This application seeks to vary this to read:

“The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
CP0114-GA-001 Issue TS	Plan View	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
L(200)02	Site Location Plan	29 November 2022
L(200)03	Existing Site Plan	9 October 2019
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019

(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	14 December 2022
BG20.276- BRGR-ZZ-ZZ- DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 2022”

- 6.6 The approved plans condition would need to be updated in order to take account of the proposed amendments to the approved layout. The changes would lead to a smaller development footprint, although there would be an increase in height. The original proposal was to install 22no. 2MW engines which would cumulatively provide a 49.9MW gas peaking plant. Since the submission of that application in 2019, the technology has evolved which means that a similar level of electricity output can be generated by 11no. 4.5MW engines. The reduction in the number of engines means that there is a significant increase in the amount of land that could be retained as grassland and scrub. This would provide additional space to mitigate the effects of the development on reptiles and invertebrates.
- 6.7 The total height of the 11 flues would be 14.4m with the main units being between 7.9m and just over 9m. This compares to the previous total height of 10m with the units being approximately 5m tall. There will be an overall reduction in the number of units which enables them to be positioned further from the bridleway to the south. It is considered that the increase in height of the units would be mitigated by the overall reduction in built elements and greater distance from the public viewpoints.
- 6.8 The visual effects of the revised scheme would be broadly neutral, as while the engines will be taller, there would be fewer of them. They would be set further back from the public accessible viewpoints. The proposed lighting strategy shows that part of the lighting would be positioned further from the southern boundary with the Stanford Wharf nature reserve which would reduce the potential effects of light spill. The lighting would only be used when maintenance staff are on site.
- 6.9 There would be a decrease in the footprint of the engines which would allow additional ecological mitigation; in light of this and the assessment above, it is considered that variation of condition 2 is acceptable.

Condition 4 – Noise Assessment

- 6.10 The current condition reads:

*The development shall be carried out and operated in accordance with the details*



*and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 October 2020, PDA Consulting.*

6.11 This application seeks to vary this to read:

“The development shall be carried out and operated in accordance with the details and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 J003112-4641-ECE-03 October 2020 November 2022, PDA Consulting.”

6.12 The variation is requested due to the changes to the design and layout. A revised Noise Assessment has been submitted with the application, which takes account of the revised proposals in order to determine the potential impact upon the surrounding ecological receptors associated with nearby habitats. The Assessment specifies that with the proposed attenuation measures the resultant noise levels at the nearest ecological receptor would have a low to moderate impact to the avifauna (bird populations). Furthermore, as the noise level of the proposed scheme would be steady, with no significant sudden loud noise events generated, the information provided indicates that this is likely to further minimise the potential impact. As such, the revised Noise Assessment considers that the impacts associated with the revised scheme are likely to have a low impact on the avifauna. The nearest residential receptors are located c.1km to the west of the site in Wharf Road and would not be impacted by noise from the site.

6.13 As there would be a decrease in noise impact, it is considered that variation of condition 4 is acceptable.

#### Condition 5 – Ecology

6.14 The current condition reads:

*The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020, which is attached to and forms part of this permission.*

6.15 This application seeks to vary this to read:

“The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf

Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020 and the subsequent letter from Brindle Green, dated 1 November 2022, which is attached to and forms part of this permission.”

- 6.16 A revised Landscape Mitigation Plan has been submitted for the amended layout. When compared to the approved layout, the revised scheme provides an increase in the provision of available provision for reptiles through habitat creation. The applicant has also reviewed the layout in terms of the connectivity that it offers in order to ensure that the proposal does not fragment habitats or limit species movement. This review has confirmed that the amended layout achieves connectivity for species and habitats.
- 6.17 As the site is located adjacent to the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site, the project Habitat Regulations Assessment (HRA) has been updated to consider the potential for the scheme to cause likely significant effects before and after mitigation taking into account the proposed changes. The scheme is still predicted to have likely significant effects without mitigation during construction. It is considered that these effects can be mitigated through the production and adherence to a Construction Environment Management Plan (CEMP) which will be secured by condition. This will need to provide details of working practices, temporary construction lighting, timings of key operations such as the use of cranes to avoid adverse effects on qualifying species, and storage of fuel and any other chemicals. Full details of piling methodology are also necessary and are conditioned. Subject to this mitigation the scheme would have no adverse effect on the integrity of the nature conservation designations, either alone or in combination with other plans and projects.
- 6.18 It is noted that the revisions to the scheme will result in a reduction in the emission of nitrogen oxides (NOx) which is beneficial. There would be no significant changes in noise or light disturbance resulting from the changes to the scheme. It is considered that the revised scheme would have positive effects on ecology due to the decrease in the footprint of the engines which enables more habitat mitigation to be provided. Therefore, the current proposal would not give rise to any significant impact beyond which were assessed when the original application was considered.

## **7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL**

- 7.1 The application seeks, via s73, permission for amendments to the approved scheme, necessitating changes to the wording of variation of condition nos. 2 (approved plans), 4 (noise assessment) and 5 (ecology). These changes are considered to be acceptable as they would result in less ecological impacts than the

approved scheme. Therefore, the proposal would not result in any additional environmental impacts beyond those already considered.

**8.0 RECOMMENDATION**

8.1 Approve, subject to the following conditions:

**TIME LIMIT**

1 The development hereby permitted shall be begun before 16 August 2025.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**APPROVED PLANS**

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
CP0114-GA-001 Issue TS	Plan View	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
L(200)02	Site Location Plan	29 November 2022
L(200)03	Existing Site Plan	9 October 2019
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	14 December 2022
BG20.276-BRGR- ZZ-ZZ-DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 2022

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and

PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]**

3 No construction works shall commence until an updated Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The updated CEMP, in addition to those matters already included, shall also contain or address the following matters:

- details of vehicles to be used and their suitability to the route proposed.
- detailed measures to minimise noise, lighting and potential pollution during construction
- timing of key operations such as use of cranes

Works on site shall only take place in accordance with the approved updated CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **NOISE**

4 The development shall be carried out and operated in accordance with the details and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 J003112-4641-ECE-03 October 2020 November 2022, PDA Consulting.

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **ECOLOGY REPORT**

5 The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020 and the subsequent letter from Brindle Green, dated 1 November 2022, which is attached to and forms part of this permission.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **PILING**

- 6 Piling operations shall not commence unless a report has first been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **ARCHAEOLOGY**

- 7 No development or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **SURFACE WATER DRAINAGE**

- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - Discharge rates into tidal estuary can be unrestricted for all storm events up to an including the 1 in 100 year rate plus 20% allowance for climate change.

- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 20% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **SURFACE WATER DRAINAGE MAINTENANCE**

- 9 Prior to first operational use, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Informative**

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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:  
<http://regs.thurrock.gov.uk/online-applications>

