

Agenda Item 3

Planning Committee: 8 August 2024

Application Reference: 16/01232/OUT

Reference: 16/01232/OUT	Site: Land For Development Muckingford Road Linford Essex
Ward: East Tilbury	Proposal: Application for outline planning permission with some matters (appearance, landscaping, layout and scale) reserved for the proposed development of up to 830 dwellings (Use Class C3) if the Lower Thames Crossing is constructed (scenario 1) OR up to 1,000 dwellings (Use Class C3) if the Lower Thames Crossing does not proceed (scenario 2), a new local road network including a vehicular / pedestrian railway crossing, a primary school, local centre and new areas of open space, including formal recreation.

Applicant: Mulberry Strategic Land	Validated: 12 September 2016 Extension of Time (as agreed with applicant): 31 January 2024
Recommendation: That Members agree to the recommendation as set out in section 3 of this report.	

1.0 INTRODUCTION AND BACKGROUND

1.1 At the Planning Committee meeting of 9 July 2024 Members of the Planning Committee agreed with the Recommendation of the Chief Planning Officer's report to planning application reference 16/01232/OUT. This was:

That Members agree to the recommendation that if it wasn't for the appeal against non-determination that the application would have been to Refuse Planning Permission for the reasons stated in the report.

1.2 This included 8 reasons of refusal which were set out in full in report, which forms Appendix 1 to this report.

1.3 This report is to update Members with regard to the position for reason of refusal 8 and to seek delegated authority in case there are changes to the reasons of refusal throughout the appeal process as further information and discussions with the appellant continue throughout this appeal process.

2.0 ASSESSMENT

2.1 Since the Planning Committee's decision Officers have been working on the planning appeal and through the appeal process it has been identified that reason of refusal 8 can no longer be defended at the appeal. Reason of refusal 8 is below:

The Environmental Statement does not contain the full extent of information reasonably required to assess the environmental effects of the development and is not considered to meet the requirements of Schedule 4 Parts 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2.2 Having assessed this reason of refusal the Inspector to the appeal has informed both the Council and Appellant that:

The ES is considered to be satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and no further information is required.

2.3 In light of this decision reason of refusal 8 shall no longer apply and it is therefore requested that Members of the Planning Committee agree to not defend reason of refusal 8.

2.4 The second consideration through this report is for Members of the Planning Committee to give delegated authority to the Chief Planning Officer in case there any further changes required to the reasons of refusal throughout the planning appeal process and to allow for any work associated with a s106 legal agreement work and conditions. This is because further information and discussions are taking place with the appellant throughout this process. Following the recent Case Management Conference on Monday 29 July 2024, the Inspector is keen for both the Appellant and Council to be clear on matters of agreement and matters of disagreement through this appeal which will be listed in a document called a Statement of Common Ground. Given this is the case and should there be any further changes to the reasons of refusal then it is requested that delegated authority is given to the Chief Planning Officer. If there are then any further changes or updates to the reasons of refusal it is recommended that Members of the Planning Committee can be informed via internal correspondence.

3.0 RECOMMENDATION

3.1 That the Planning Committee agree:

- i) To not defend reason of refusal 8, and

- ii) To delegate authority to the Chief Planning Officer in case there any further changes required to the reasons of refusal throughout the planning appeal process and to allow for any work associated with a s106 legal agreement and conditions. Should there be any changes to the reasons of refusal then Members of the Planning Committee will be informed via internal correspondence.

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>

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<p>Reference: 16/01232/OUT</p>	<p>Site: Land For Development Muckingford Road Linford Essex</p>
<p>Ward: East Tilbury</p>	<p>Proposal: Application for outline planning permission with some matters (appearance, landscaping, layout and scale) reserved for the proposed development of up to 830 dwellings (Use Class C3) if the Lower Thames Crossing is constructed (scenario 1) OR up to 1,000 dwellings (Use Class C3) if the Lower Thames Crossing does not proceed (scenario 2), a new local road network including a vehicular / pedestrian railway crossing, a primary school, local centre and new areas of open space, including formal recreation.</p>

Plan Number(s):		
Reference	Name	Received
008 rev Q	Parameter Plan 1 – Land Use and Amount – Op1	30 January 2024
009 rev H	Parameter Plan 2 – Scale and heights Op1	30 January 2024
010 rev L	Parameter Plan 3 - Landscape Framework – Op1	30 January 2024
011 rev K	Parameter Plan 4 – Movement Op1	30 January 2024
014 rev K	Parameter Plan 1 – Land Use and Amount – Op2	30 January 2024
015 rev G	Parameter Plan 2 – Scale and heights – Op2	30 January 2024
016 rev I	Parameter Plan 3 – Landscape Framework – Op2	30 January 2024
017 ref H	Parameter Plan 4 – Movement – Op 2	30 January 2024
014 rev A	Site Boundary	4 August 2023
22 – T004_29.1	Proposed Link Road with Dimensions (North – Scenario 1)	30 January 2024
22 – T004_29.2	Proposed Link Road with Dimensions (North – Scenario 2)	30 January 2024
22 – T004_29.3	Proposed Link Road with Dimension (South)	30 January 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 1 of 6)	5 February 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 2 of 6)	5 February 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 3 of 6)	5 February 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 4 of 6)	5 February 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 5 of 6)	5 February 2024
22-T004_33	Proposed Link Road Scenario 1 (sheet 6 of 6)	5 February 2024

22-T004_34	Proposed Link Road Scenario 2 (sheet 1 of 6)	5 February 2024
22-T004_34	Proposed Link Road Scenario 2 (sheet 2 of 6)	5 February 2024
22-T004_34	Proposed Link Road Scenario 2 (sheet 3 of 6)	5 February 2024
22-T004_34	Proposed Link Road Scenario 2 (sheet 4 of 6)	5 February 2024
22-T004_34	Proposed Link Road Scenario 2 (sheet 5 of 6)	5 February 2024
22-T004_34	Proposed Link Road Scenario 2 (sheet 6 of 6)	5 February 2024
22-T004_32	Alternative TRL Arrangement (North of Love Lane)	30 January 2024

The application is also accompanied by the following documents that have assessed the Scenario 1 and 2 proposals:

- Planning Statement [PS]
- Design and Access Statement [DAS]
- Environmental Statement Volume 1 [Main Text] with the following chapter headings
 1. Introduction and Policy Context
 2. Structure and Methodology
 3. Summary of Existing Site Baseline
 4. Proposed Development
 5. Transport
 6. Ecology and Biodiversity
 7. Archaeology
 8. Built Heritage
 9. Landscape and Visual Impact
 10. Arboriculture
 11. Noise and Vibration
 12. Air Quality
 13. Agricultural Land
 14. Water Environment
 15. Socio Economics
 16. Summary of Residual and Cumulative Effects
- Environmental Statement Volume 2 [Appendices to chapters in ES Vol 1]
- Environmental Statement Volume 3 [Non Technical Summary]
- Environmental Statement Addendum
- Contamination Land Assessment
- BNG Report
- Built Heritage Statement of Compliance
- Education Needs Assessment
- Flood Risk Assessment and Appendices
- Noise and Vibration Assessment and Technical Note on Noise Mitigation

<ul style="list-style-type: none"> • Road Safety Audits • Site Access Signal Assessment • Sequential and Exception Tests • Surface Water Drainage Statement • Sustainability and Energy Statement • Viability Assessment • Waste and Recycling Strategy • Wirelines for Landscape and Visual Impact Assessment 	
<p>Applicant: Mulberry Strategic Land</p>	<p>Validated: 12 September 2016 Extension of Time (as agreed with applicant): 31 January 2024</p>
<p>Recommendation: That Members agree to the recommendation that if it wasn't for the appeal against non determination that the application would have been to Refuse planning permission for the reasons stated below.</p>	

This application is referred to the Planning Committee in accordance with the Constitution Chapter 5, Part 3 [b], 2.1 [a] as the proposal would have significant strategic implications for the Borough as the site would represent development in the Green Belt and would therefore be a departure from the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and would normally be subject to referral to the Secretary of State. However, the applicant has appealed against non-determination of the planning application and this application is now subject to an appeal. The decision taken by the Planning Committee to this application will inform the Council's case for the appeal.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 This planning application was originally submitted in September 2016 but hadn't progressed towards a decision as separately to this application the Lower Thames Crossing Development Consent Order was progressing at pre-application stage before it was submitted as an application for a Development Consent Order and went live in June 2023. Once the application for a Development Consent Order was submitted the Order Limits (red lined location plan) to DCO application became clear. This then allowed the applicant to consider their options and proposed a second scenario approach to this application.

1.2 In March 2023 additional information was submitted to the planning application following Counsel opinion on the consideration of introducing a second scenario to the application process, which is why the description of development includes a 2-scenario approach, which is unusual for a planning application. In March 2023 the

application was subject to further consultation and feedback. Since then, there has been further and revised information received and subject to consultation in October 2023 and March 2024.

- 1.3 The latest consultation period expired on 2 May 2024 but before this had expired, on 19 April 2024, the Council were informed by the applicant’s agent that an appeal against non-determination of the planning application had been lodged. On 13 June 2024 the Council received the appeal ‘start letter’ from the Planning Inspectorate, which identifies that the appeal will be considered through the Public Inquiry process starting on 1 October 2024. Members therefore need to make a decision on the application which will then form the Council’s case for the appeal.

Quantitative summary

- 1.4 The table below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	74.4 ha						
Height	14.2m 2 or 3 storeys based on Height Parameter Plan						
Market and Affordable Units in percentage terms	Type*	1-bed	2-bed	3-bed	4-bed	5-bed	Total
	Market	0%	20%	35%	35%	10%	100%
	Affordable	40%	35%	15%	10%		
Car parking	To be provided in accordance with the Council adopted standards’						
Amenity Space	Type	Scenario 1		Scenario 2			
	Informal & species rich grassland	16 Ha		24.7 Ha			
	Woodland	1.3 Ha		4.7 Ha			
	Allotments	0.16 Ha		0.54 Ha			
	Orchard	0.5 Ha		1 Ha			
	Special civic space						
	Children’s play	0.04 Ha		0.05 Ha			
	Play features including MUGA & bowling green	0.13 Ha		0.13 Ha			
	Total	18.13 Ha		31.12 Ha			

Residential area	Option 1 – 24.0 Ha Option 2 – 32.6 Ha
Density	34.58 D/Ha (Option 1) / 30.67 D/Ha (Option 2) of allocated residential land

Non-Residential Uses

Primary School	1.5 Ha (with 0.8ha school expansion space)
Healthcare provisions	0.3ha
Public open space provisions	24.4 ha (scenario 1) / 34.8 ha (scenario 2)
MUGA & bowling green	0.13 Ha (both scenarios)
Local Centre (mixed uses)	0.04 Ha / up to 750sq.m of floorspace
Car Parking	Not available
Cycle Parking	Not available
Estimated Jobs created	Construction phase – 279 full time, direct construction jobs Operational phase – 65 full time, direct jobs
Land reserved for LTC mitigation	19.2ha (scenario 1)

Descriptive summary

- 1.5 Outline planning permission is sought for the development of up to 1,000 dwellings and associated mixed-use development, with all matters reserved except for access. On the basis that the Site includes land within the limits of the proposed Lower Thames Crossing (a Nationally Significant Infrastructure Project subject to a current application for a Development Consent Order), the Applicant is seeking planning permission for a two-scenario outcome:
- Option 1 – up to 830 dwellings (Use Class C3) if the Lower Thames Crossing is constructed; OR
 - Option 2 – up to 1,000 dwellings (Use ClassC3) if the Lower Thames Crossing is not constructed.
- 1.6 Both options would include affordable housing. Both options are to be considered by Members of the Planning Committee.
- 1.7 Application documents for the Lower Thames Crossing project are being assessed by the Planning Inspectorate and can be found at: Lower Thames Crossing – Project information (planninginspectorate.gov.uk) .
- 1.8 Were the Lower Thames Crossing to be implemented, 19.2 Ha of the Site area for this application would be required, reducing the site area available to the Applicant

and the corresponding number of dwellings from 1,000 to 830. The reserved northern parcel of the application would also impact Muckingford Road and requires works to the existing road network in the form of a road realignment to facilitate the development.

1.9 The Planning Statement also proposes:

- New vehicular and pedestrian crossing in East Tilbury over the London to Southend railway line.
- A new two-form entry primary school.
- A health centre.
- A new local centre comprising up to 750 sqm of Class E/Class F uses.
- New areas of public open space and improvements to public rights of way.

Access

- 1.10 Access is to be determined by this application instead of it being left to the submission of reserved matters. Unless indicated as “for illustrative purposes only” the proposed access details must be considered part of the development. Government guidance on making an application for planning permission explains that details relating to access include ‘the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network’.
- 1.11 The proposed access to the existing road network would be created at two points. In both scenarios, a new road traffic junction is proposed at Princess Margaret Road, at the southern end of the site, approximately 55m north of Love Lane. This junction would then lead to a central spine road (shown in black) running through the proposed development, exiting the site from a new road traffic junction with Muckingford Road, to the north of the site, 150m west of Beechcroft Avenue. In Scenario 2 the Muckingford Road access would become a crossroads junction to connect to the land to the north of Muckingford Road that would not be required by the Lower Thames Crossing project and would instead be used for additional development
- 1.12 The Parameter Plans show additional vehicular access points connecting the proposed north / south spine road with surrounding developments including the Bata Estate however, this land is privately owned and beyond the extent of the red line boundary. Other connections from the spine road would be created to around new development land parcels.
- 1.13 The proposed north / south spine road access is linked with a New Railway Crossing Point (shown in orange) ‘for vehicles, pedestrians and bridleway’, that would take the

form of a new bridge to cross the existing railway line. It is understood that the bridge would be use for road traffic but would also include pedestrian paths, cycle paths and include a bridleway. The provision of pedestrian paths and the bridleway would allow for existing public footpaths and bridleways in the area that cross to be amended and provide a safer alternative. The bridge would form part of the accessibility considerations within the site although there are no detailed plans to show full details of the bridge. The highway plans show the spine road through the site and the wireframe drawings to the Landscape and Visual Impact Assessment (LVIA) show wirelines of a potential bridge.

- 1.14 Existing public rights of way will be added to, and bridleways retained but in some places, realigned.

Reserved matters

- 1.15 Planning matters can be 'reserved' for later determination (after outline planning permission is approved), those matters reserved through this application are defined as:

- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings'.

- 1.16 Therefore, if the Council resolves to grant planning permission, reserved matters applications for appearance, landscaping, layout, and scale, will also need to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of works on site.

Appearance

- 1.17 The Design and Access Statement (DAS) and the Design and Access Statement Addendum provides information on the existing site context and some limited information proposed design response. A Design Code has not been submitted as part of the assessment. Full details of the future appearance of the development would be secured through the reserved matters but any details within the DAS that could influence the reserved matters can be conditioned to any approval.

Landscaping

- 1.18 Although this is a reserved matter, Parameter Plans for a Landscape Framework have been submitted and show the types of landscape treatments proposed, and where they could be located in the completed development. The types of landscape proposed include informal and species rich grassland; woodland; allotments; orchards, tree boulevards, civic spaces, and children's play space, and other play features. The Parameter Plans do not specify if the types of landscape spaces e.g., 'Woodland (1.3 Ha)' are a minimum or maximum amount.
- 1.19 A Sustainable Urban Drainage Strategy, Flood Risk Assessment, and Site Drainage Assessment have also been submitted and should inform the approach to landscaping.

Layout

- 1.20 Parameter Plans for the layout (Figures 1 & 2) have been submitted and if for land use and amount do not specify if the areas allocated to the various land uses are minimum or maximum amounts. Although drawn to scale, the layout shown on the parameter plans do not specify minimum or maximum distances from boundaries or "zones" of land uses.

Scale

- 1.21 Parameter Plans for scale and heights have been submitted and these are grouped into three categories:
- i. 'Ridge height not more than 11.7m above finished ground level. Accommodating maximum of 2.5 storey residential deep plan'.
 - ii. 'Ridge height not more than 14.2m above finished ground level. Accommodating maximum of 3 storey residential inc. commercial ground floor'.
 - iii. 'Ridge height not more than 14.2m above finished floor level. Accommodating maximum of either 3 storey residential or 2 storey other uses'.

- 1.22 The Parameter Plans for scale and heights state that ‘Existing levels to be modelled subject to drainage between 3.86m – 13.5m OAD within development area’. OAD. The plans do not specify the existing or proposed ground levels to which the heights relate.
- 1.23 Below expands upon the various uses and development proposed in the application in more detail.

Residential

- 1.24 Scenario 1 proposes up to 830 dwellings based on the scenario that Lower Thames Crossing is consented and built out. Scenario 2 is based on the Lower Thames Crossing not taking place and therefore allowing for up to 1,000 dwellings to be built at this site.

The table below represents the proposed residential mix of dwellings for market and affordable housing purposes:

Market and Affordable Units in percentage terms	Type*	1-bed	2-bed	3-bed	4-bed	5-bed	Total
	Market	0%	20%	35%	35%	10%	100%
	Affordable	40%	35%	15%	10%		

Primary School

- 1.25 The applicant proposes that a 2-form entry primary school will be delivered as part of this application. The Land Use Parameter Plan shows that for both scenario’s a primary school on a 1.5ha parcel of land to the north of the railway line would be provided for the school. The primary school site would include space for a future school expansion if needed with this area of land being 0.8 hectares.

Health centre

- 1.26 The Land Use Parameter Plan shows that in both scenario’s a health centre would be developed on a 0.3ha parcel of land to the south of the railway line. There are no details at this stage as the size of the proposed health centre in terms of indicative floorspace.

Public open space

1.27 For scenario 1 the Land Use Parameter Plan shows that 24.4 hectares of land would be provided for this use.

For scenario 2 the Land Use Parameter Plan shows that 34.8 hectares of land would be provided for this use.

Mixed uses

1.28 For both scenarios the Land Use Parameter Plan shows that 0.04 hectares of land would be provided for this use. The Planning Statement states that up to 750 sqm of floorspace would be provide for Class E (Commercial, Business and Service) /Class F (Local Community and Learning) uses.

For scenario 2 the Land Use Parameter Plan shows that 19.2 hectares of land would be reserved for the Lower Thames Crossing.

Flood Risk and Drainage

1.29 The proposal would introduce a surface water drainage strategy and will include a drainage system to limit surface water runoff, pollution control and treatment of surface water. Any impermeable areas would be attenuated in basins across the site. The surface water drainage strategy will be managed to limit the rate of discharge.

Construction and Phasing

1.30 Within the application the following two examples of the indicative arrangement of phasing of the proposed development has been provided. However, the applicant’s Planning Statement does refer to a detailed phasing programme being prepared following an approval of outline planning permission.

1.31 Scenario 1 – with Lower Thames Crossing

Phase	Years	Dwelling Numbers	Other development
1	1-2	83	<ul style="list-style-type: none"> • North of railway • 1.8Ha Public Open Space and SUDS • Connect school site • Muckingford Road junction works
2	3-5	225 (accumulative 308)	<ul style="list-style-type: none"> • North of railway • 12.7Ha POS & SUDS • (School) ‘available for build out’

			<ul style="list-style-type: none"> Haulage – bridge installed by Lower Thames Crossing
3	6-7	203 (accumulative 511)	<ul style="list-style-type: none"> South of the railway 2.87Ha POS & SUDS Public railway bridge Princess Margaret Road junction works
4	8-9	245 (accumulative 756)	<ul style="list-style-type: none"> South of the railway 1.0Ha POS & SUDS Complete road link
5	9-10	74 (accumulative 830)	<ul style="list-style-type: none"> South of the railway 3.6Ha POS & SUDS Local centre parcels ready for use

1.32 Scenario 2 – without Lower Thames Crossing

Phase	Years	Dwelling Numbers	Other development
1	1-2	83	<ul style="list-style-type: none"> North of railway 1.8Ha POS & SUDS Connect school site Muckingford Road junction works
2	3-5	225 (accumulative 308)	<ul style="list-style-type: none"> North of railway 1.0Ha POS & SUDS School available for build out Bridge installed by Lower Thames Crossing (error)
3	6-7	203 (accumulative 511)	<ul style="list-style-type: none"> South of railway 2.87Ha POS & SUDS Public - Railway bridge Princess Margaret Road junction works
4	8-10	245 (accumulative 756)	<ul style="list-style-type: none"> South of railway 1Ha POS & SUDS Complete road link Local centre parcels ready for use
5	11-12	170 (accumulative 926)	<ul style="list-style-type: none"> South of railway 10Ha POS & SUDS
6	13-14	74 dwellings (accumulative)	<ul style="list-style-type: none"> South of railway 3.8Ha POS & SUDS

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Planning obligations

1.33 The following table provides a summary of the applicant's proposed planning obligations:

	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery - £679,251 Primary – £4,823,730 Secondary – £3,556,184 Secondary Transport Contribution? Delivery of a primary school £10,422,381 instead of a primary £ contribution	Nursery - £839,826 Primary – £5,810,095 Secondary – £4,283,258 Secondary Transport Contribution? Delivery of a primary school £10,422,381 instead of a primary £ contribution
Housing – Affordable Housing	15% based on viability at 449 dwellings trigger	27% based on viability – 7% in first 556 then 54% in remaining 434 dwellings
NHS	£428,700	£516,800
Sport England	New playing pitches next to primary school totalling 3.8 ha Outdoor sports - £154,063 Outdoor sports changing rooms £139,199 Indoor sports hall £414,605 Indoor swimming pools £457,800 Indoor bowls £9,897	New playing pitches next to primary school totalling 3.8 ha Outdoor sports - £185,618 Outdoor sports changing rooms £551,567 Indoor sports hall £551,567 Indoor swimming pools £499,524 Indoor bowls £11,924
Travel Planning	£1,245,000 based on £1,500 per dwelling	£1,500,000 based on £1,500 per dwelling
NE RAMs Home information pack Open space and SANG	£130,111	£156,760
On site Play MuGA Allotments	0.16ha – 32 allotment plots	0.54 ha – 86 allotment plots
Childrens	4 on site to be provided	5 on site to be provided

play		
Delivery of the Infrastructure Bridge	To be provided by the developer	To be provided by the developer
Monitoring costs	£5,000	£5,000

Environmental Impact Assessment (EIA) Development

- 1.34 The development requires an Environmental Impact Assessment (EIA) by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Therefore, the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The ES is accompanied by the figures and technical appendices referred to above.
- 1.35 The Council has a statutory duty to consider environmental matters and EIA is an important procedure for ensuring that the likely effects of new development are fully understood and fully taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 1.36 In order to fulfil the requirements of the EIA Regulations 2011 it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations.
- 1.37 Prior to the submission of the application, the applicant applied to the local planning authority for a formal scoping opinion (ref. 15/01189/SCO) to confirm the information to be provided in the ES and this was adopted on 9 November 2015.
- 1.38 Since submission of the application in September 2016, the local planning authority has received ‘further information’ from the applicant pursuant to the EIA Regulations.

This 'further information' included a whole new ES in regard to the introduction of Scenario 1 approach. In October 2023 an ES Addendum was provided by the applicant. None of the more recent information from January and February 2024 includes any further ES Addendums. All of this information has advertised in accordance with the requirements of the Regulations.

1.1 SITE DESCRIPTION

The Site

- 2.1 The application site is irregular in shape and generally extends from sections of land at the rear of Lower Crescent in the north, to Love Lane in the south, Princess Margaret Road and land at the rear of Beechcroft Avenue in the east, and Coal Road in the west.
- 2.2 The site measures 74.4 ha and broadly comprises three parcels of arable land. The first parcel is located to the west of Linford Recreation Ground, extending to Becklands Farm, and is bordered by Muckingford Road to the south. It is this first parcel that would be excluded from the scheme should the Lower Thames Crossing development proceed. The second parcel is south of Muckingford Road but north of the railway line, being located to the rear of dwellings on Beechcroft Avenue. The third parcel is located south of the railway line, extending to Love Lane, and comprising land immediately to the west and south of the Thames Industrial Estate (also referred to as the Bata Estate).
- 2.3 The site is located within the Metropolitan Green Belt. Most of the site is within Flood Risk Zone 1, though there are places where the site falls within Flood Zones 2 and 3 (medium and high risk).
- 2.4 Volume 2, Appendix 13.1 of the Environmental Statement (2023) describes the existing site levels as ranging from 4m Above ordnance Datum (AOD) at the lowest point in the centre of the site, to 8m AOD in the north and 12m AOD at the highest point in the south.
- 2.5 The site comprises agricultural land of moderate to good quality. A soil survey carried out on 11 & 12 August 2015 combined with desk-based data indicates an Agricultural Land Classification of 3a (Good) on 59% of the site, and 3b (Moderate) on 41% of the site.

Surroundings

- 2.6 The site is described as being in East Tilbury, though the northern section is closest to the settlement of Linford. Linford has a village hall, recreation ground and pub (the George and Dragon). East Tilbury has a primary school and nursery, village hall with library, supermarket, medical centre, scout hall and train station. East Tilbury Station

provides train connections to Fenchurch Street in London, and to Southend. The 374 bus route links Basildon Bus Station to Grays via Princess Margaret Road to Coalhouse Fort.

- 2.7 The wider surrounding area beyond the settlements is mostly arable land, plus a quarry and bagging plant, operated by Tarmac, located to the north of the site. To the south-western site boundary is the Readmans Industrial Estate including a metal recycling business known as East Tilbury EMR.
- 2.8 The East Tilbury Conservation Area is east of the site, though the southern portion of would surround the conservation area. The southern portion of the site is adjacent to Victory House and Nelson House, Grade II listed buildings (1393327) within the Thames Industrial Park. The Thames Industrial Park also contains the following Grade II listed buildings, constructed as part of the Bata Industrial Estate:
 - Building 12 (1393328)
 - Building 13 (1224103)
 - Dwellings on Bata Avenue – numbers 2 (1224054), 4 & 6 (1224055), 8 & 10 (1266987), 12 & 14 (1224058), 16 & 18 (1266988), 24 & 26 (1224059), 28 & 30 (1224101), 32 & 34 (1224061).
- 2.9 The East Tilbury Battery, a Second World War anti-aircraft battery at Bowaters Farm, and Coalhouse Fort, are all scheduled monuments located south-east of the site.

1.2 RELEVANT PLANNING HISTORY

1.3 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
56/00123/FUL	Erection of overhead electric power lines	Deemed Approved
57/00519/FUL	Tilbury to Shellhaven Powerline	Approved
58/00125/FUL	Overhead Line	-
15/01189/SCO	Request for Environmental Impact Assessment Scoping Opinion: proposed residential development for up to 1,000 homes, provision of a new primary school, circa 750 sq.m. of	Council Adopted a Scoping Opinion on 9 November 2015

	commercial floor space and new strategic access road.	
24/00058/FUL	Change of use from agricultural land to sports playing pitches	

Wider context

- 3.2 Part of the application site falls within the limits of a Development Consent Order (DCO) application for the Lower Thames Crossing (LTC). The Examining Authority for the application for the DCO is the Planning Inspectorate and in accordance with the DCO timetable they would have issued their recommendation to the Secretary of State for Transport who will make a decision. The latest information on that is that a decision will be issued at the earliest in October 2024. As explained above the applicant has responded to this uncertainty by amending the description of proposed development of their application to include two different scenarios.

- 3.3 Planning permission has been given and remains extant for land to the rear of the ‘George and Dragon’ public house site, to the north east edge of East Tilbury (ref 21/01812/FUL) for 230 homes.

1.4 CONSULTATION 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

PUBLICITY:

- 4.2 Prior to the submission of the application the applicant’s Statement of Community Involvement [(SCI) dated December 2022 stated that consultation on amendments to the proposal included a new website (<https://easttilburymulberry.co.uk>), email and phone number for feedback, community leaflet delivered to c.2,300 homes and businesses, meeting with ward members, information delivery to key groups, social media campaign and public exhibition. The SCI concluded that there was consensus amongst the 586 respondents, with the most frequent responses relating to opposition to building in the Green Belt, support for a bridge link, need to tackle traffic congestion, and the importance of early delivery for social infrastructure

- 4.3 At the application stage this application has been advertised by way of individual neighbour notification letters, press advert and public site notice which were displayed nearby.

188 objections received raising the following concerns:

- Access to the site - unsafe
- Additional traffic
- Urban sprawl into the green belt.
- Loss of farmland and wildlife.
- No special circumstances for the application to be approved.
- Area already overdeveloped and underfunded with severe shortages of social infrastructure.
- Local residents left to deal with the fall out of development and its impacts.
- The application is a black cloud hanging over residents.
- Skyline views and noise from the road bridge will be seen and heard by residents.
- The quality of the build will be cheap.
- Brownfield, not green belt land should be developed.
- No benefits to the local community.
- Existing access roads into Linford won't cope with the traffic.
- The Council cannot afford the local services needed.
- Concerned that when permission is given developers disappear without delivering infrastructure.
- Linford and East Tilbury do not have the infrastructure to cope with this scale of development.
- Still no provision for a secondary school. For 35 years we have been bussing or otherwise transporting our 11 to 16 year olds cross-country - mainly to St. Cleres.
- The team from ICENI who ran the "consultation" meetings took no notice of the representations made by residents of Linford.
- Moved to the area because it is calm, quiet and have a beautiful outlook from the rear of the property that would be lost to the back of new buildings.
- Love Lane is a narrow partly one-way road with a weight limit.
- Not a brick should be layed until any promised infrastructure is produced.
- Losing a large area of good quality arable land at a time when we need to be more self-sufficient in our food supply and reducing our carbon footprint.
- Location is within a floodplain.
- The workshops and questionnaires were fixed questions to suit the applicants and deny residents proper consultation.
- The United Kingdom currently produces only 60% of the food we consume, so why build on land that is in productive use?
- Already high air pollution levels.
- Don't want a view of a construction site from the window.
- Loss of rural character.

1 response raising no objection but the following points:

- Hoping that the cycleway and footpath will keep out some of the noise

2 responses supporting the application including from Thames Freeport

- Provision of new homes are essential to accommodate and support growth for employment opportunities at the Freeport.
- Bridge has the opportunity to alleviate existing traffic pressures.

4.4 ANGLIAN WATER:

No objection subject to two conditions, one regarding foul drainage works and the other to provide a site layout plan detailing the location of existing assets and any proposed asset diversion.

4.5 CADENT GAS:

Applicant attention is drawn to location of high pressure gas pipelines in the area which need to be considered ahead of development to ensure easements are maintained.

4.6 EDUCATION:

A financial contribution is required at nursery, primary and secondary level (based on the June 2024 response) as follows:

The Council's Education Team's contribution requirements		
	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery – £706,980.72 Primary – £5,100,364.82 but prefer applicant to deliver primary school Secondary – £3,724,747.72 Secondary Transport Contribution Total £9,532,093.27	Nursery – £851,545.41 Primary – £6,143,296.57 but prefer applicant to deliver primary school Secondary – £4,486,390.81 Secondary Transport Contribution Total £11,481,232.78

The above is based on 35% affordable housing provision and discounts 1 bedroom units from the calculation.

The local primary school is a 4 form entry and is at capacity. The requirement would be for a new 2 form entry primary school to be delivered at the site. The Council's

Education Officer requires a new 2 form entry primary school to be built by the applicant at no cost to the Council.

In addition to the above the Council's Education Officer would require a contribution for transporting secondary school aged children to the nearest secondary school otherwise this would be a cost placed upon the Council.

4.7 EMERGENCY PLANNER:

No objection subject to a condition securing a Flood Warning and Evacuation Plan (FWEP) and comment that any sleeping accommodation on the ground floor will not be supported.

4.8 ENVIRONMENT AGENCY:

No objection subject to a condition requiring mitigation measures including:

- Those detailed within the FRA being implemented.
- Finished ground floor levels for all 'more vulnerable' development shall be set no lower than 0.5% annual probability breach flood level including climate change, this level is assumed to be at 6.67m above AOD.
- Finished ground floor levels for single storey 'more vulnerable' development shall be set no lower than 0.1% annual probability breach flood level including climate change, this level is assumed to be at 6.67m above AOD.
- Mitigation to be implemented prior to occupation and in accordance with a timing/phasing arrangement.

4.9 ENVIRONMENTAL HEALTH:

Recommend refusal on noise grounds as existing business (EMR East Tilbury Recycling Centre) creates noise that would impact on the future occupiers of new housing at the site. The applicant's 'Technical Note on Noise Mitigation' has not applied the correct noise standard and one is necessary to consider the industrial character of the noise which would result in a significant adverse impact from the EMR site.

No objections with regard to air quality but recommend a condition regarding dust control and a condition regarding any unforeseen contamination. A Construction Environmental Management Plan should also be conditioned.

4.10 ESSEX BRIDLEWAYS ASSOCIATION:

No response.

4.11 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection subject to conditions requiring a programme of archaeological investigation, a mitigation strategy, completion of fieldwork and a post excavation assessment.

4.12 ESSEX FIRE AND RESCUE:

No objections with regard to access for fire service purposes but comment that a clear plan of the site make up and location has not been provided. More detailed observation on access and facilities for the fire service will be considered at the Building Regulation consultation stage.

4.13 ESSEX PLACE SERVICES - LISTED BUILDING AND CONSERVATION ADVISOR:

Consider that there would be a low level of 'less than substantial harm' to the significance of the following:

- Low level of less than substantial harm to the significance of Grade II listed:

- Bata Industrial Buildings Numbers 24 and 34 (Victory House and Nelson House) – List entry number 1393327
- Building 13, Bata Factory - List entry number 1224103
- Bata Industrial Building Number 12 – List entry number 1393328

- Low level of less than substantial harm to the significance of the East Tilbury Conservation Area

- Lowest level of less than substantial harm to the significance of the Grade II listed buildings on Bata Avenue:

- 32 and 34, Bata Avenue (List entry number 1224061)
- 28 and 30, Bata Avenue (List entry number 1224101)
- 24 and 26 Bata Avenue (List entry number 1224059)
- 16 and 18 Bata Avenue (List entry number 1266988)
- 12 and 14 Bata Avenue (List entry number 1224058)
- 8 and 10 Bata Avenue (List entry number 1266987)
- 4 and 6 Bata Avenue (List entry number 1224055)
- 2 Bata Avenue (List entry number 1224054)

- Low level of harm to the significance of Stanford House and other former Bata factory buildings as non-designated heritage assets, making paragraph 209 of the National Planning Policy Framework (NPPF, December 2023) relevant.

Any harm needs to be weighed against the benefits of the proposals and therefore paragraphs 205, 206 and 208 of the NPPF is relevant.

The undeveloped agricultural landscape setting of the Bata Estate and the contribution it makes to the significant of the listed buildings and non-designated buildings and to the Conservation Area is important. Views of the factory buildings from the south are an important attribute to the setting of the Bata estate.

4.14 ESSEX POLICE ARCHITECTURAL LIAISON:

No objections subject to standard advice to designing out crime and welcome the implementation of a design code.

4.15 ESSEX AND SUFFOLK WATER:

No objection.

4.16 FLOOD RISK ADVISOR:

No objection subject to a condition requiring surface water drainage details to be agreed along with detail of the future maintenance and management regime.

4.17 HEALTH AND SAFETY EXECUTIVE (HSE):

Advise against the granting of planning permission.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's Land Use Planning Methodology. The assessment indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

4.18 HIGHWAYS:

Object, as there is insufficient information to fully understand the impact of this development on the local highway network and the wider Main Road Network to be compliant with policies.

Due to the size of this development, even on the smaller scaled option 1, there will inevitably be a significant impact on the local highway network, both in the settlement area of East Tilbury & Linford, but also to the west in Chadwell St Mary and north, onto the A1013 and A13 (Main Road Network (MRN)) networks. It is also

clear that this application is very much reliant on the formation of a bridge across the railway to link Muckingford Road and Princess Margaret Road to facilitate the majority of development. Without the provision of a multi-modal bridge this development will clearly severely adversely impact the highway network in the area and would be contrary to local highway policies. This can already be seen at the railway level crossing in East Tilbury which, currently suffers from long queues and delays at peak times. It is noted that Network Rail have also raised this point in their recent response.

In respect of other transport related issues, the applicant does not seem to have considered public transport accessibility and the application seems to be very much dependent on the formation of a bridge and much of the assessment is based on the bridge being in place. Therefore, clarification on where and when the bridge will be implemented; as well as other key improvements that are needed to facilitate the development. As part of this outline application, the applicant should provide a Highways Infrastructure programme, detailing when and where each key highway infrastructure project will be delivered for each phase of the development for agreement.

The applicant has emphasised the need for a multi-modal bridge to facilitate development to the south of the railway line; however, further information is required to allay concerns. The applicant is requested to provide further information in respect of these main areas, as well as other items identified under each policy points particularly in respect of phases of the development: -

- i. the design criteria of the bridge
- ii. the link road and internal junctions
- iii. the new junctions to the existing network
- iv. Cross Keys junction assessment
- v. Buckingham Hill Road junction assessment
- vi. A13/A1013 Orsett Cock junction assessment
- vii. A13/A1013/A1014 junction assessment

4.19 HISTORIC ENGLAND:

Object, as the proposals cannot be supported in their present form.

The revised layout introduces a clear separation between the factory site and new development and retains a small, tokenistic sense of the open countryside that surrounded the buildings. However, it does not remove the harm resulting from developing this area, which we consider remains on the high end of less than substantial.

There could be room for some form of development north of the rail line which avoids harm to the setting of the conservation area. However, the relevance of this southern part of the site in relation to the setting of the conservation area primarily and wider settings of the Coalhouse Fort and West Tilbury

The harm is considerable albeit less than substantial in NPPF terms and needs to be given appropriate weighting in the decision-making process. When it comes to weighing up this harm to heritage, the Council will need to consider whether any public benefits that the development delivers outweigh the harm and that they can only be delivered in this particular location and manner.

In heritage terms, the benefits do not outweigh the harm caused by the visual disruption of the new development on a key aspect of the conservation area and impacts on the wider settings of the Coalhouse Fort and West Tilbury conservation area. Consequently, the proposals cannot be supported in their present form.

If minded to approve the scheme in its present form, it is suggest that, in addition to design mitigation detailed in a design code on the reserved matters application, compensation measures to the designated heritage assets that would be negatively affected as a result of the development are secured through a s106 agreement.

4.20 HOUSING:

No objection subject to 35% affordable housing being secured in accordance with the requirements of policy CSTP2. Affordable housing should be 70% affordable rent and 30% shared ownership.

4.21 LANDSCAPE AND ECOLOGY ADVISOR:

For landscape impact:

The viewpoints for the LVIA work were not agreed with the Council.

The LVIA considers that the scheme would have significant adverse effects on landscape character and visual receptors within close proximity of the red line boundary, however these effects soon diminish as a result of the topography and vegetation and due to the relatively low heights of the proposed development. It is considered these conclusions to be appropriate and no significant concerns are raised.

The overbridge is the main unknown but it is assumed what is shown on the wireframes is reasonably realistic. It would be viewed against a backdrop of new housing so this will help limit the visual effects on the assumption that it would not

have gantries or other large structures. The main thing will be lighting – again it is assumed that the applicants would want to limit this due to the impacts on new residents. However, there are virtually no public viewpoints towards the buildings from the south and west due to limited roads and rights of way.

The emerging landscape strategy provides a significant buffer that would help mitigate the effects of the proposal from the west if LTC is not constructed. If LTC is constructed there would be opportunities to integrate the proposed landscape provision into the LTC environmental mitigation measures that abut the site.

For ecology impact:

Mitigation to be provided as set out in the updated ES. A Habitat Regulations Assessment (HRA) is required due to the scale of the project and together with its proximity to the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site means the provision of a Suitable Alternative Natural Green Space is necessary. The Shadow HRA identified 3 key measures to address potential recreational disturbance and these are payment of the Essex Coast RAMS tariff, provision of semi-natural habitat and recreational measures within the onsite landscape buffers to achieve onsite SANG, and the use of the enlarged Thameside Nature Park to serve as additional offsite SANG.

Recommend that the Council as the competent authority adopt the Shadow HRA for this project. The Essex Coast RAMS requirement is for £136,004 for scenario 1 and £163,860 for scenario 2 based on the April 2024 tariff of £163.86 per dwelling.

4.22 NATIONAL GRID:

Offer advice on building near National Grid Electricity Transmission equipment.

4.23 NATIONAL GAS TRANSMISSION:

Object as the proposals will result in a an extremely high level of densely populated areas immediately surrounding the pipe. National Grid have concerns over access, the level of population, placing the pipeline within a corridor, amongst other concerns. They required a meeting with the developer to discuss these proposals further. Their engineer did not receive a response to this; therefore, the Objection remains.

4.24 NATIONAL HIGHWAYS:

No objection.

4.25 NATURAL ENGLAND:

No objection on ecology grounds subject to appropriate mitigation being secured that would ensure there is a no adverse effect on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site, and that no damage would happen to the features of the Mucking Flats and Marshes SSSI. It is considered that a Shadow Habitat Regulations Assessment should be secured.

Based on the information provided with the planning application, it appears that the proposed development comprises approximately 73.6 ha of agricultural land, including 43.7 ha classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled.

4.26 NETWORK RAIL:

Comment that Network Rail have been working with the developer and has agreed with the developer on the basis that the bridge provides the primary access for the development and for existing residents. This will reduce traffic waiting at East Tilbury level crossing. Network Rail will require the road bridge to be adopted by the Council. Network Rail require the closure of Coal Road level crossing so the bridleway will need to be diverted to the bridge. The new bridge should be completed before occupation of any dwellings to the south of the railway line. Funding for the closure of the bridge will need to be secured through a planning obligation. Network Rail request that Low Street level crossing is also closed. Require a condition for a Construction Management Plan with regards to the construction traffic routing avoiding Low Street level crossing. It is also requested that the provision of a pedestrian/cycle link from the new road bridge to Princes Margaret Road on the north of the site railway which would allow new residents to reach the Southend-bound platform without relying on the existing level crossing adjacent to the station. A condition requiring boundary treatments is also needed.

4.27 NHS ENGLAND:

No objection subject to a financial contribution secured through a s106 legal agreement to mitigate the impact of the development. Based on figures from May 2023 for the two different scenarios the requirement would be for £428,700 (830 dwellings) or £516,800 (1,000 dwellings). A health centre is unlikely to be viable in this location for the ICB but further info on this is requested in order that its ability to mitigate the impacts of proposed development can be understood.

4.28 PUBLIC FOOTPATHS OFFICER:

All existing public rights of way (PROW) within the site leading to and from the site must be retained and improved to accommodate their future use. The future of bridleway 58 shall need to be retained and the over bridge should be constructed to include both horse friendly safety and for cyclist and pedestrians. Welcome the applicants' material plan to promote walking and cycling.

4.29 PUBLIC HEALTH:

The Health Impact Assessment (HIA) requires strengthening to ensure health and wellbeing is fully factored into the design, construction and operation of the development.

4.30 SPORT ENGLAND:

A preferred solution to addressing the development's outdoor sports needs focused around delivering the proposed off-site playing field provision and securing financial contributions towards off-site outdoor sports facilities that could be secured through a planning obligation is required. Two alternative solutions are applicable if the preferred solution cannot be progressed for outdoor sports provision.

Outdoor Sports Provision

The preferred solution

The preferred solution is for a planning obligation to secure the playing fields proposed through application 24/00058/FUL in order to meet the needs of the development's football and cricket pitch needs and for other outdoor sports facility needs to be met through a financial contribution. Conditions would be necessary on that application for playing field construction and pavilion facility specification, and details of future tenure and management/maintenance. Other off site provision shall be needed towards rugby union pitch and changing room provision which would be £94,711 (830 dwelling scenario) and £114,116 (1000 dwelling scenario)

Alternative Solution A

If application 24/00058/FUL is not approved an alternative solution is needed. On site provision for a new playing field of 1.8 hectares of sports ground to allow for a natural turf football pitch provision. This would need to be secured through a planning obligation and arrangements for an ancillary pavilion/parking facilities along with future tenure and management/maintenance contributions.

Alternative Solution B

If application 24/00058/FUL is not approved and it was not possible to make on site provision, then the second alternative solution would be for an all outdoor sports provision off site and in the form of a financial contribution being secured towards enhancing existing facilities. This would be the least acceptable solution and is likely to result in a contribution secured towards football pitches outside of the East Tilbury/Linford area which is undesirable.

Indoor Sports Provision

A financial contribution is needed towards the demand for a sports hall of £512,841 and swimming pool projects of £565,735.

Primary School

The proposed primary school would be expected to provide some sport and recreation facilities for meeting educational needs but could also be used by the community outside of school hours such as the playing field and school hall. It is requested that a community use agreement is secured.

Active Design

A planning condition is requested requiring details to be demonstrate how Active Design principles have been considered in the design and layout of reserved matters applications.

4.31 TRANSPORT DEVELOPMENT/TRAVEL PLANNING TEAM:

Comment as follows:

- Due to its location and lack of sustainable infrastructure provision, the proposal cannot offer a realistic choice of alternative modes of travel other than by car.
- To reduce car dependency trips, access to sustainable transport networks and facilities will need to be improved to support alternative travel modes and create a stronger connection with the surrounding area. This will be challenging given the poor accessibility of the site location and the travel distances from the social and community infrastructure new populations will be expected to use.
- Any future planning stages will need to demonstrate further consideration towards transport accessibility to educational provision.

4.32 URBAN DESIGN OFFICER:

Object, as we do not consider that the parameter plans, and associated design and access statements (including addendums) provide sufficient guarantees to ensure the proposal achieves a minimum level of design quality that justifies very special circumstances in terms of design. This is particularly concerning given the unique identity of the settlement and the significance of the adjacent heritage assets and conservation area. Remain of the position that an outline application of this size, with its visibility in the open landscape and sensitive adjacencies to listed buildings and conservation area, requires the submission of a design code to set clear expectations around design quality. The multiple updates and addendums to the Design & Access Statements for both options, plus multiple changes to the parameter plans, has created ambiguity around the design which makes it difficult to understand exactly what is being proposed in terms of basic design and approach to character.

1.5 POLICY CONTEXT

1.6 National Planning Policy Framework

The original NPPF was published on 27th March 2012 with the most recent revision taking place on 19 December 2023. 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 date¹, 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 proposed²; 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.

1 This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a 5 year supply (or a 4 year supply), if applicable, or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years

- 2 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.

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
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 10. Supporting high quality communications infrastructure
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

1.7 Planning Policy 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 a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Appeals
- Appropriate assessment
- Climate change
- Community Infrastructure Levy
- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application

- Effective use of land
- Environmental Impact Assessment
- First Homes
- Flood Risk and Coastal Change
- Green Belt
- Healthy and safe communities
- Historic environment
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing for older and disabled people
- Housing: optional technical standards
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Rural Housing
- Self-build and custom housebuilding
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions
- Viability
- Waste
- Water supply, wastewater and water quality

1.8 Local Planning Policy Thurrock Local Development Framework

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP5 (Neighbourhood Renewal)
- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Existing Centres)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP21 (Productive Land)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP29 (Waste Strategy)
- CSTP33 (Strategic Infrastructure Provision)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)

- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD14 (Carbon Neutral Development)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

1.9 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. 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. In December 2023 the Council began Initial Proposals Consultation (Regulation 18).

1.10 Thurrock Design Strategy

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.

1.11 East Tilbury Conservation Area Appraisal (New version 2023)

The East Tilbury (Bata Village) Conservation Area was first designated in 1993. This document should be used as a baseline to inform future development and design with regard to the sensitivities of the Historic Environment and its unique character.

1.12 **ASSESSMENT**

Procedure:

- 6.1 The EIA Regulations require local planning authorities to examine the information within the Environmental Statement to assess the significant effects of the proposed development on the environment [beneficial and adverse], in addition to the material planning considerations. The EIA Regulations require the likely significant effects of

the development to cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary, positive and negative effects of the development. The Environmental Statement considers the baseline conditions [existing conditions], construction and operational phases [when the development is occupied] as part of this assessment.

Assessment

6.2 The material considerations for this application are as follows:

- I. Principle of the Development and the Impact upon the Green Belt
- II. Housing Mix and Affordable Housing
- III. Access, Connectivity, Traffic Impact and Car Parking
- IV. Design and Layout and Impact upon the Area
- V. Landscape and Visual Impact
- VI. Heritage Impacts and Archaeology
- VII. Open Space, Sports Provision and Amenity Space
- VIII. Education Provision
- IX. Health Provision
- X. Ecology and Biodiversity
- XI. Flood Risk, Drainage and Water Consumption
- XII. Air Quality
- XIII. Noise and Vibration
- XIV. Effect on Neighbouring Properties
- XV. Land Contamination and Ground Conditions
- XVI. Energy and Sustainable Buildings
- XVII. Health and Safety
- XVIII. Utilities Provision
- XIX. Socio Economics
- XX. Cumulative Impact and Alternative Sites
- XXI. Construction and Phasing
- XXII. Viability and Planning Obligations
- XXIII. Environmental Statement Review
- XXIV. Sustainable Development
- XXV. Other Matters

- I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT UPON THE GREEN BELT

Green Belt

6.3 The site is within the Green Belt and policy CSSP4 identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and policy PMD6 states that the Council will *'maintain, protect and enhance the open*

character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB in accordance with the requirements of the NPPF (2023).

6.4 Paragraph 142 of the NPPF in Chapter 13 (Protecting Green Belt Land) states that the Government attaches 'great importance' to the Green Belt and that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

6.5 It is relevant under this heading that it is necessary to consider the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

6.6 Paragraph 152 of the NPPF defines 'inappropriate development' as harmful, by definition, to the GB and should not be approved except in very special circumstances. The land within the site is currently agricultural fields so the proposal would introduce new built form onto this land so this would constitute inappropriate development in the Green Belt.

6.7 Paragraph 154 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate development, although paragraph 154 identifies limited 'exceptions' and paragraph 155 identifies certain forms of development that are not inappropriate in the Green Belt, providing they preserve openness and do not conflict with land within in it.

6.8 With regard to the 'exceptions' identified in paragraph 154 of the NPPF none of these are directly relevant. Paragraph b) should be noted and it allows for:

'b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'

- 6.9 The proposal includes outdoor recreation in the form of public open space and incidental landscaping, and the proposal includes allotments to be provided. If these were promoted on their own then they could benefit from the exception. However, these are proposed as part of the overall development of the site and would not come forward separately to the proposal. The Council must consider the proposal as a whole. Therefore, whilst these may have been an 'exception' on their own they are entirely dependent on the rest of the proposal coming forward so cumulatively cannot be considered as within an 'exception'.
- 6.10 In terms of paragraph 155 of the NPPF none of the criteria listed in the policy are relevant other than c) which allows for local transport infrastructure which can demonstrate a requirement for a Green Belt location and preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this instance the provision of a spine road and a new bridge crossing the railway through the site, if it were a standalone project, might have complied with this provision. The infrastructure would provide wider benefits to the area and not just the site. However, this spine road and new bridge is not coming forward as a standalone highway infrastructure project and its delivery is only as part of the overall proposed development, so this criteria is not met.
- 6.11 Similarly, none of the exceptions set out within Policy PMD6 would be applicable in respect of the erection of dwellings at the site.
- 6.12 For these reasons, the proposed development at the site constitutes inappropriate development in the GB.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.13 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.14 Before reviewing the five purposes test of the NPPF it is necessary to understand the local position regarding the most up to date evidence base that has assessed the Green Belt in Thurrock, which is Thurrock Strategic Green Belt Assessment. The relevant parcels from that assessment are parcels 25 and 30 for this site and have been assessed in regard to the five purposes test of the NPPF, which is used in the assessment below but only for purposes a) to c).
- 6.15 Paragraph 143 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.16 In response to each of these five purposes:

a. to check the unrestricted sprawl of large built-up areas

6.17 The site is located in a semi-rural location with existing development nearby. "Large built-up areas" is not defined, but it is considered that East Tilbury can be deemed to represent a large built up urban area. Conversely, Linford can only be considered to be a small area of buildings and not a large urban area. This proposal could be viewed as an extension of the urban area of East Tilbury, as such, is considered to represent the unrestricted sprawl of the large built-up area.

6.18 From the Thurrock Strategic Green Belt Assessment land parcel 25 has been assessed to provide a 'major' importance to this Green Belt purpose but land parcel 30 assessed this purpose to be 'slight/negligible' as the land parcel includes all of the settlement of East Tilbury.

6.19 Accordingly, the proposal would be contrary to this purpose of the Green Belt.

b. to prevent neighbouring towns from merging into one another

6.20 The proposed development would allow for the merging of East Tilbury and Linford, particularly so with Scenario 2. This would reduce the distinction between the two settlements and erode the Green Belt in between other than the retention of the Linford Recreation Ground which is outside of the site but provides an essential buffer between these settlements. However, it is not considered that Linford can be considered a town and, as a gap would be retained between settlements through the existing the Linford Recreation Ground, the proposal would not represent the merging of towns. The proposal by building on western side of East Tilbury would lead to built development projecting further west towards Chadwell St Mary but this would not lead to the merging of towns. There is no harm to this Green Belt purpose.

6.21 From the Thurrock Strategic Green Belt Assessment land parcel 25 considers this to be 'slight/negligible' in terms of the importance to the Green Belt purpose and for land parcel 30 it is scored as 'none' in terms of the importance to the Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

Officer: The site is currently rural in function and appearance, contributing to the openness of the Green Belt. The site represents the buffer between the developed edges of East Tilbury and Linford and as such, plays a defining role in where the countryside begins. The erection of up to 1,000 dwellings on this land would encroach upon the existing countryside, causing significant harm that should be afforded substantial weight.

- 6.22 The largely undeveloped nature of the site enables it to be viewed as part of the countryside rather than as part of an urban area. The site represents the buffer at the edge of the developed area of East Tilbury and, as such, plays a defining role in where the countryside begins. The proposed development on this land would represent the encroachment of the settlement of East Tilbury into the countryside. As with a) above, the site represents the point where the settlements make way to the countryside and therefore the site is part of the countryside. It is considered that the proposal would be contrary to this purpose of the Green Belt and it is considered that the significant harm that would be caused to the Green Belt should be afforded substantial weight.
- 6.23 From the Thurrock Strategic Green Belt Assessment land parcels 25 and 30 are scored as 'major', having major implications in terms of the importance to the Green Belt purpose.

d. to preserve the setting and special character of historic towns

- 6.24 East Tilbury has a number of heritage assets as a result of the Bata shoe factory from the 1930's, which includes the Conservation Area and a number of listed buildings. Colloquially known as The Bata Estate, this core part of East Tilbury has a special character that would be harmed by the proposal (the assessment of harm is explained in the heritage section below). The fields within the southern part of the application site are immediately adjacent to the most prominent buildings of Bata Estate - Nelson House and Victory House. The juxtaposition of rural land and Bauhaus industrial development is striking and yet, would be lost should the proposal be approved. As a result there would be some conflict with this purpose.

e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 6.25 In policy terms, the development could occur in the urban area and does not assist in urban regeneration but there are no allocated urban sites within the Local Plan for a development of this scale and there is unlikely to be any available urban sites. However, there is no spatial imperative why GB land is required to accommodate the

proposal and it is considered that the proposal would conflict with this purpose by providing an alternative to the use of derelict of urban land.

- 6.26 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary, to different extents, to purposes a), c) d) and e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these considerations.

Impact upon the Openness of the Green Belt

- 6.27 As noted above, paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development in an area which is open. Consequently, there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

- 6.28 It is considered that the proposed development would have a substantial impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of the development and the resulting built volume. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with residential properties and other uses. This activity would also impact negatively on the openness of the Green Belt.

- 6.29 The proposed development would entirely change the sense of openness at the site. Although some land would not be built upon, the effect of the development on the openness of the Green Belt at this site would be substantial to the extent that the built form would largely dominate the site. The majority of the site could no longer be considered to be open and, as such, the effect on the openness of the Green Belt would be substantially harmful.

Whether the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations, so as to amount to the Very Special Circumstances necessary to justify the development

- 6.30 The NPPF sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. The NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.31 The applicant has set out the following matters that could be considered to represent Very Special Circumstances, each of which will be considered and assessed in turn below:
1. The provision of a new Vehicular and Pedestrian Access across the London to Southend Railway Line.
 2. Positively Responding to the Lack of 5-Year Housing Land Supply.
 3. The Delivery of Affordable Housing.
 4. The Provision of a New Primary School.
 5. Thurrock's Status as a National Growth Area and Freeport.
- 6.32 For points 1 – 5 these are considered below:
1. The provision of a new Vehicular and Pedestrian Access across the London to Southend Railway Line.
- 6.33 The applicant's case on this point is that the new road and bridge through the site would reduce queue lengths at the existing level crossing and reduce the need for HGV's passing through East Tilbury each day. The need for an alternative crossing in East Tilbury has been a longstanding issue and the delivery of new homes is capable of funding the new bridge crossing.

Consideration:

- 6.34 The proposed new vehicular and pedestrian crossing over the existing rail line is considered a necessary requirement to enable the delivery of the proposed development in terms of either of the scenarios for 830 – 1,000 new dwellings. However, it is recognised that the proposed new road and bridge would help resolve the existing issues with delays and traffic queues in the area caused by the existing level crossing. It has been a long term aim of Network Rail to close level crossings across the country for safety reasons. The proposed road and bridge would allow for access all the time to the areas to the south of the railway line.

- 6.35 However, as identified in the assessment below the application does not include any plans or sections to understand if this proposed bridge is acceptable and deliverable. It is a crucial element of the proposal and would 'unlock' the land to the south to the railway line identified for development as well as offering benefits for the local community of East Tilbury.
- 6.36 The principle of the provision of a new road and bridge for the reasons stated should be afforded significant weight as a factor in support of the development. .

2. Positively Responding to the Lack of 5-Year Housing Land Supply.

- 6.37 The applicant's case on this point is that the Council cannot meet their five year housing land supply and that there is a need for future housing growth within the Borough.

Consideration:

- 6.38 The Council's position in relation to the supply of housing is such that paragraph 11d) (the 'tilted balance') of the NPPF states that, in many circumstances, permission for development should be granted unless 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. However, one of the instances where this does not apply is where the application of policies in the NPPF that protect areas or assets of particular importance (such as the Green Belt) provides a clear reason for refusing the development proposed. As set out above, the application of Green Belt policies gives a clear reason for the refusal of the application. Therefore, paragraph 11d) of the NPPF is not applicable.
- 6.39 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a recent Green Belt appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that "even so, unmet need on its own, is highly unlikely to amount to very special circumstances". Accordingly, the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.
- 6.40 Based on the Council's Five Year Housing Land Supply Position Statement from July 2016 it was calculated that the supply position was between 2.5 and 2.7 years. From

a planning appeal decision in December 2020 to application reference 18/00540/FUL it was recognised then that the position had changed and at that time the Council could only demonstrate a 1.75 year supply. It is however recognised that current position is likely to be lower than 1.75 years housing land supply.

- 6.41 As an outline planning application with future reserved matters and the discharge of planning conditions and obligations to any approval, the proposal is unlikely to provide significant levels of housing over the first 5 years of a planning permission. So, whilst the Council cannot demonstrate an up to date 5 year housing land supply if planning permission were to be granted it is unclear exactly how many new dwellings would contribute to the 5 year housing land supply.
- 6.42 However, weight can still be afforded to the provision of housing which would assist in the Council moving towards meeting identified housing targets. Accordingly, the matter of housing delivery and the number of houses proposed contributes towards as a factor in support of the development and should be afforded significant weight.

3. The Delivery of Affordable Housing.

- 6.43 The applicant's case on this point is that there is an urgent need for affordable housing delivery in the Borough with reference to two cases within the Borough that were subject to appeal decisions.

Consideration:

- 6.44 The application initially proposed that 35% of the proposed dwellings would be affordable housing to accord with Core Strategy Policy CSTP2. This initial offer was considered policy compliant rather than exceptional.
- 6.45 However, on 14 March 2024 the agent submitted the proposed Heads of Terms (HoTs) for a Section 106 Agreement, including an offer of 15% affordable housing for Option 1 (126 dwellings) and 27% for Option 2 (274 dwellings). Therefore, whilst the applicant maybe making the case of the need for affordable housing the actual amount of affordable housing now proposed with this application has significantly dropped from the policy compliant level of affordable housing offered when the application was submitted. Understandably this is based on viability testing that has been independently reviewed but the reality is that a policy compliant level of affordable housing cannot be provided with either scenario. This reduction in affordable housing provision means that only limited weighting can be given to this factor in support of the development.

4. The Provision of a New Primary School.

- 6.46 The applicant's case on this point is that a new 2 form entry primary school is

proposed, or the applicant is willing to provide financial contributions towards expanding the existing primary school. Through the development there is an education need.

Consideration:

- 6.47 The S106 Heads of Terms submitted by the applicant on 14 March 2024 propose that the delivery of a new primary school would occur prior to the occupation of 200 dwellings. Thurrock Council's Education Officers have said in response to consultation on the offer, that the school will need to be delivered by the developer prior to any occupation, as there are currently no school places at the nearest school (East Tilbury) to accommodate pupil numbers that would arise from the development. The provision of a new primary school, although welcome, represents infrastructure that is necessary to make the development acceptable in planning terms, rather than special circumstances that would justify development in the Green Belt. However, it is recognised that the existing primary school is a 4 form entry and a new 2 form entry primary school may assist in addressing existing capacity issues at this school. Therefore this factor is afforded moderate weighting as a factor in support of the development.

5. Thurrock's Status as a National Growth Area and Freeport.

- 6.48 The applicant's case on this point is that Thurrock is a National Growth Area and will accommodate one of the Freeport sites. This will bring benefits to the Borough and create the need for new jobs and investment.

Consideration:

- 6.49 The applicant considers that these aspects can be afforded some positive weight, but it is recognised that Thurrock has potential for growth but exactly where that future growth should be located would come through a new Local Plan. This site is not located within the Freeport zoning for nearby Tilbury nor the London Gateway, as the two Freeport locations within the Borough. Whilst there will be an increased need for employment for the Freeport this does not mean that this Green Belt site should become a residential development as future residents would not necessarily be working at the Freeport or within the Borough. There is no spatial imperative why this site should be developed to meet the applicant's case and therefore no weight can be given to this factor in support of the development.

Green Belt - Conclusion

- 6.48 As set out above, the proposal would represent inappropriate development, would cause a harmful loss of openness and would be contrary the purposes of including land in the Green Belt. The NPPF requires that all harm to the Green Belt is afforded

substantial weight. The applicant has promoted various material considerations that it suggests should carry positive weight in favour of the proposal.

However, the benefits of the proposals must clearly outweigh the harm for Very Special Circumstances to exist. If the balancing exercise is finely balanced, then Very Special Circumstances will not exist. Based on the Green Belt assessment the Very Special Circumstances do not outweigh the harm of inappropriate development and harm to the openness of the Green Belt.

- 6.49 The other aspects of the application are assessed in the rest of this report and any other harm shall need to be considered in the final planning balance as assessed in section 7 of this report.

Agricultural Land

- 6.50 In addition to the Green Belt considerations, the consideration of the loss of agricultural land is a principle consideration for this application.
- 6.51 Paragraph 88 of the NPPF explains that planning policies and decisions should support a prosperous rural economy, including through the development and diversification of agricultural and other land-based rural businesses.
- 6.52 National planning policy relevant to agricultural land and soils is set out in Paragraph 180 of the National Planning Policy Framework which states that:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:
protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);
recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

- 6.53 Footnote 62 of the NPPF is also relevant and states:

Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

- 6.54 Through policy CSTP21 (Productive Land), the Council recognises the importance of food security and will ensure the protection, conservation and enhancement of agriculture, productive land and soil in the Borough. Policy CSTP21 states that:

'Development of the best and most versatile land (DEFRA Grades 1, 2 and 3) will not be supported except in exceptional circumstances. Developers will need to demonstrate that:

- i. there is no suitable site in a sustainable location on land of poorer agricultural quality; or
- ii. alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding'.

- 6.55 The Agricultural Land Classification map for the Eastern Region scores the land within the site 'very good' for agricultural purposes.
- 6.56 Natural England have advised that based on the information provided with the planning application, it appears that the proposed development comprises approximately 73.6 ha of agricultural land, including 43.7 ha classified as BMV (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
- 6.57 Chapter 12 of the Environmental Statement assesses the effect of the proposed development on agricultural land quality and the effects on the existing farm businesses. Regarding the loss of best and most versatile land, the existing site is described as approximately 73.6 hectares with an Agricultural Land Classification of 3a (Good) on 59% of the site, and 3b (Moderate) on 41% of the site.
- 6.58 The northern block (bisected by the rail line) comprises:
- Holding A (part): approximately 38.26 hectares owned and farmed as one block, with crops of wheat, barley, oilseed rape, and field beans under rotation.
 - Holding B: approximately 9.35 hectares farmed under arable rotation.
- 6.59 The southern block is farmed under a business tenancy by the farmer of Holding A. The southern block comprises:
- Holding A (part) – approximately 24.77 hectares under arable rotation growing wheat, barley, oilseed rape and field beans.
 - Holding C – approximately 1.38 hectares forming part of a larger arable field.
- 6.60 The above holdings extend beyond the site area and include buildings such as Ashlea Farm.
- 6.61 The change of use from agricultural to residential land would result in the loss of:
- Holding A – 63 hectares, representing 63% of the total area of 93 hectares owned and farmed under the tenancy. The proposed development is assessed as having 'a significant effect on the day-to-day management of a

full-time business' and as such, 'involves a Medium magnitude impact of Medium sensitivity which equates to a Minor Adverse impact'.

- Holding B – involves one field of a larger farming operation and therefore, is a 'Low impact magnitude of Medium sensitivity, a Minor Adverse impact'.
- Holding C – the proposed development affects a small proportion of a much larger field and would result in a Low magnitude impact of Medium sensitivity, a Minor Adverse effect.

6.62 The Updated Environmental Statement submitted December 2022 states at paragraph 4.60 Chapter 4 (Alternatives) that: 'The purpose of this document is to provide an Updated ES to that submitted in 2016. As a result, alternative locations for the Proposed Development have not been considered'. Paragraph 4.61 says 'The Site boundary plan has not changed since submission of the Scoping Report in 2015'. The original ES did not assess alternative locations or forms of housing delivery, including within the Applicant's ownership.

Conclusion – Agricultural land

6.63 Given that the Agricultural Land Classification map for the Eastern Region scores the land within the site 'very good' for agricultural purposes the applicant has not demonstrated that there is a suitable site for residential development in an area of poorer agricultural quality, nor have they demonstrated that alternative sites are unfeasible owing to ecological, heritage or flood constraints. The application does not therefore comply with policy CSTP21 and paragraph 180 of the NPPF.

II. HOUSING MIX AND AFFORDABLE HOUSING

6.64 Paragraph 61 of the NPPF requires the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy CSTP1 requires 'new residential developments to provide a range of dwelling types and sizes to reflect the Borough's housing need, in accordance with the findings of the Strategic Housing Market Assessment'.

6.65 In June 2022 the South Essex Housing Needs Assessment (HNA) was published and is relevant to consideration of future planning applications. It is also an evidence-based document to inform the preparation of the new Local Plan and replaces the May 2016 Strategic Housing Marketing Assessment (SHMA) and the update SHMA Addendum (May 2017). The HNA sets out the housing need and mix requirements for the Borough but also the wider area of South Essex. For Thurrock the HNA identifies the need for 2 and 3 bedroom units for the housing market. For affordable housing there is a housing need, particularly for 1 and 2 bedroom units. The proposed housing mix would therefore meet the needs of the HNA and therein the dwelling mix requirements of policy CSTP1.

Housing Mix

6.66 The Design and Access Statement dated September 2023 describes a range of dwelling types including apartments and semi-detached houses, though does not provide an estimate of the numbers for each typology. The Planning Statement dated December 2022 says that outline permission is sought for the following housing mix for Scenario 2 (without LTC), with the affordable housing comprising 70% social rented and 30% intermediate:

	1-Bed	2-Bed	3-Bed	4-Bed	5-Bed
Private	-	20%	35%	35%	10%
Affordable	40%	35%	15%	10%	-

Affordable Housing Amount and Mix

6.67 The affordable housing offer described in the Planning Statement (and the application form) differs from the offer contained in a spreadsheet of draft S106 Heads of Terms sent by the Agent to Thurrock Council on 14 March 2024, this being:

- Scenario 1 (830 dwellings) – 15% of affordable housing (126 dwellings)
 - 0% affordable housing will be delivered within the first 449 dwellings.
 - 33% (126 homes) of the balance of the 381 dwellings will be delivered as affordable housing with a tenure mix of 70% social rent and 30% intermediate.
- Scenario 2 (1000 dwellings) – 27% affordable housing (274 dwellings)
 - 7% (41) affordable housing will be delivered within the first 566 dwellings.
 - 54% (233 homes) of the balance of the 434 dwellings will be delivered as affordable housing.
 - Delivered at a rate of 7% affordable in first 566 dwellings and 54% in remaining 434 dwellings.
 - The tenure mix for the affordable housing will be of 70% social rent and 30% intermediate.

6.68 The proposed development has been subject to a viability assessment which has been independently assessed as set out in more detail in the report’s ‘Viability and Planning Obligations’.

6.69 The affordable housing offer in the Financial Viability Appraisal (FVA) sent by the Agent to Thurrock Council on 2 April 2024 is expressed differently again – with the appraisal prepared by BNP Paribas Real Estate dated March 2024, giving the following indicative unit mix:

6.70 Scenario 1 (830 dwellings)

Unit Type	Private	Affordable
2-Bed house	108	0
3-Bed house	189	0
4-Bed house	189	0
5-Bed house	54	0
1-Bed flat	0	116
2-Bed flat	0	101
3-Bed flat	0	44
4-Bed flat	0	29
	540 (65%)	290 (35%)

6.71 Scenario 2 (1,000 dwellings)

Unit Type	Private	Affordable
2-Bed house	130	0
3-Bed house	228	0
4-Bed house	227	0
5-Bed house	65	0
1-Bed flat	0	140
2-Bed flat	0	122
3-Bed flat	0	53
4-Bed flat	0	35
	650 (65%)	350 (35%)

6.72 The FVA estimates that for social rented tenure the rent per week would be 1-Bed £85.31; 2-Bed £97.20; 3-Bed £114.50; and 4-Bed £131.79. Shared ownership dwellings are estimated to require 25% initial enquiry plan annual rent equating to 2.75% of the retained equity.

6.73 Table 4.3.8.1 of the FVA includes a list of assumed Section 106 obligations – it should be noted that these are based on the 14 March 2024 draft Heads of Terms provided by the Agent, these are not financial contributions requested by the Council.

6.74 The appraisal outputs in the FVA (Tables 5.2.1.1 and 5.2.2.1) find that the policy compliant tenure split of 35% affordable is not viable, instead providing:

Scenario 1 – 830 dwellings

Phases	Affordable housing	Total units
Phase 1 including overbridge and associated infrastructure	0	449

Phases 2, 3 and 4 including associated infrastructure	126 (33%)	381
Combined outputs	126 (15%)	830

Scenario 2 – 1,000 dwellings

Phases	Affordable housing	Total units
Phase 1 including overbridge and associated infrastructure	41 (7%)	566
Phases 2, 3 and 4 including associated infrastructure	233 (54%)	434
Combined outputs	274 (27%)	1,000

6.75 The Council appointed Bespoke Property Consultants to review the FVA and their report dated May 2024 found that:

- The 830-dwelling scheme could deliver a maximum reasonable amount of 23% Affordable Housing.
- The 1,000-dwelling scheme could deliver 35% Affordable Housing (policy compliant).

6.76 Paragraph 64 of the NPPF (2023) says that:

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities”

6.77 No off-site provision or financial contribution is offered in lieu of a CSTP2 policy compliant affordable housing offer of 35%.

6.78 Policy CSTP2 states 35% of the housing provision on major sites should be affordable housing with 70% social rent and 30% intermediate forms of affordable housing. It also indicates that 40% should be provided as 1-bed; 35% as 2-bed and 15% as 3-bed.

The Council's Housing Team's Consultation Response

- 6.79 The most recent consultation response from the Council's Housing team dated 28 March 2024 makes reference to an Essex wide Housing Needs Assessment (2022) where demand for affordable housing is now 33% 1-bed, 47% 2-bed and 15% 3-bed. Within Thurrock specifically, the need for affordable housing is focused more on family accommodation, with priority groups for rehousing needing:
- 13% 1-bed accommodation
 - 26% 2-bed accommodation
 - 41% 3-bed accommodation

Conclusions – Housing

- 6.80 In summary the main issues for consideration are that:
- Whilst acknowledging the construction costs associated with enabling infrastructure, the affordable housing provision is not policy compliant, being less than 35%.
 - No registered Social Landlord has been involved in discussions or documentation relating to affordable housing.
 - Little or no affordable housing will be provided until approximately half of the overall dwellings have been constructed.
 - The type of affordable housing is limited to apartments.
- 6.81 It is recognised, however, that the creation of up to 1,000 dwellings is a significant benefit to be weighed in favour of the proposed scheme and the Council's Housing team requires a 35% of the development to be for affordable housing provision.

III. ACCESS, TRAFFIC IMPACT AND PARKING

Access and Accessibility

- 6.82 The application is for outline planning permission with all matters reserved except for access. 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 6.83 As explained in section 6.1 of this report, Transport was 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon Traffic and Transport.

Policy considerations:

- 6.84 Paragraph 115 of the NPPF (2023) says that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

6.84 National Planning Practice Guidance (NPPG) on Travel Plans, Transport Assessments and Statements state that information within transport assessments and statements should include:

“measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms”

6.85 Policy PMD2 (v.) says in relation to accessibility, that:

“Development proposals must allow easy and safe access for all members of the community. Development must also integrate land uses and all modes of transport but pedestrians and cyclists must be given priority over traffic in scheme design.”

6.86 Policy PMD9 seeks to minimise the number of new accesses required onto the highway network and to ensure that new access creation makes a positive contribution towards highway safety.

6.87 Policy CSTP15 requires assessment of developments in relation to sustainable travel choices with necessary appraisal of accessibility for all members of the community.

6.88 Paragraph 96 c) of the NPPF says that planning decisions should aim to achieve healthy, inclusive and safe communities, including through layouts that encourage walking and cycling. Paragraph 108 c) of the NPPF says that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport are identified and pursued.

Proposed Access Arrangements

6.89 The proposed access arrangements involve:

- A new junction at Princess Margaret Road, approximately 55m north of Love Lane.
- A new junction with Muckingford Road, 150m west of Beechcroft Avenue.
- A new bridge over the railway line for vehicles, pedestrians, and bridleway.
- Vehicular access points connecting to adjacent private land.
- Additional and realigned pedestrian and bridleway public rights of way.

A new junction at Princess Margaret Road, approximately 55m north of Love Lane.

- Plans submitted for the new access to Princess Margaret Road show a simple "T-junction". The applicant assumes that the new link road will be the minor arm however, further analysis of the traffic flows needs to be provided (and was requested 9 April 2024). It is likely that the flows between Princess Margaret Road (north) and the link road will be higher than Princess Margaret Road (south). As such, the junction arrangement should be designed to reflect this; and to minimise traffic congestion.

A new junction with Muckingford Road, 150m west of Beechcroft Avenue.

- It is likely that traffic flows between the new link road and Muckingford Road will require the junction arrangement to be reconfigured. However, with respect this junction, it could be designed to prioritise traffic flows along a distribution pattern that could reduce flows into sensitive areas.

A new bridge over the rail line for vehicles, pedestrians, and bridleway.

- In relation to the East Tilbury level crossing (Princess Margaret Road) and new road bridge, Network Rail says:

“The development south of the railway should encourage traffic to cross the railway by way of the new road bridge rather than the East Tilbury level crossing. NR requests that the new bridge be the primary access for the development and we anticipate that, in addition to new residents, existing residents will prefer the bridge to the level crossing. The road layout should therefore be conducive to the new road bridge becoming the primary route over the railway for new and existing traffic. This will reduce traffic waiting at East Tilbury level crossing. The structure and the surface of the new road bridge must be adopted by Thurrock Council once works are completed. No changes are anticipated to be required to East Tilbury level crossing as a result of this development.”

- Network Rail’s response raises several concerns for Thurrock Council:
 - The transport modelling provided with the application documents is not based on a situation in which the new road bridge becomes the primary route over the railway for both new and existing traffic.
 - Network Rail’s consultation response is based on documents that are not within the public domain and therefore any comments relating to design of the road bridge must be disregarded. Page 4 of their letter says: “NR provided commentary on initial designs and the developer has prepared a preliminary design pack which has been shared with NR”. Thurrock Council have requested a copy of the preliminary design pack from the agent, who have declined to provide it on the basis that

it contains sensitive information and is to be assessed at reserved matters stage.

- Without seeing the proposed design and specification, it is not possible to say if Thurrock Council would be able to adopt the bridge once works are complete.
- Network Rail also said in their consultation response that the Coal Road level crossing should be closed upon completion of the new road bridge and that “no connection, formal or informal, into Bridleway 58 from the development should be made so long as the level crossing remains available for use”. No design, construction cost or S106 contribution has been provided for closure of the level crossing. The road bridge is a critical component of the proposed access, and details of this and the other proposed access arrangements must be provided with this outline application, rather than at the reserved matters stage. This is to ensure all details of the bridge are considered including plans and all associated vehicle movements that would use the bridge. The application therefore must demonstrate that the bridge is deliverable including any adoptable by the local highway authority in addition to any agreements the applicant has with Network Rail as the bridge crosses the railway line. Network Rail have stated that “no development south of the railway may be occupied until the new road bridge is available for the public”. No plans or sections have been provided for the proposed road bridge to understand if this key element of the proposed access is acceptable and deliverable (or adoptable). It is a crucial element of the proposal and would ‘unlock’ the land to the south to the railway line identified for development as well as offering benefits for the local community of East Tilbury as the bridge could allow for the railway level crossing to be closed, which has been a long-term requirement of Network Rail to address safety issues.
- It is considered that in the absence of information regarding the proposed bridge the application is unacceptable in highway terms and contrary to local and national planning policies.

Vehicular access points connecting to adjacent private land.

- In both Scenarios, the Parameter Plans for movement show the strategic north / south link road extending into surrounding land beyond the red line boundary of the application. One new vehicular access point proposes to connect to a private road beside Building 13 in the south western corner of the Thames Industrial Park. The other new access point crosses over Bridleway 58 into an agricultural field. Essentially, these elements of the proposed movement plan are untested and unrealistic. There is no guarantee that the owners of the surrounding land will agree to the connections, no modelling of the potential vehicle movements through these

properties, and no drawings or supporting technical information to show how they might be delivered.

6.90 Additional and realigned pedestrian and bridleway public rights of way.

- Policy CSTP15 requires accessibility to be improved, and the Council will (III) prioritise Rights of Way / bridleway improvements, such as the Mardyke Valley route, that contribute to the development of the Greengrid. The following Public Rights of Way and bridleways are located within the immediate vicinity of the site:
 - FP147 – Footpath from Gobions Park to Thameside Nature Discovery Park;
 - FP106 – Footpath linking Halt Drive with Muckingford Road;
 - FP005 – Footpath linking East Tilbury Road with Waltons Hall Road;
 - FP60 – Footpath between Muckingford Road and FP61;
 - FP61 – Footpath between Low Street Lane and Beechcroft Avenue; and
 - BR58 – Coal Road Bridleway between Low Street Lane and Love Lane whilst continuing onto BR63 over to Blue Anchor Lane.

The Transport Assessment (2022) states on page 64, and shows on the Parameter Plans for Movement, that bridleway 58 will be realigned to allow closure of the associated level crossing and diversion over the proposed access bridge. The proposal is not thought to either lessen or improve the accessibility in relating to existing footpaths and bridleways.

Connectivity to transport hubs and local facilities:

Existing Bus Services

- 6.91 The nearest bus stops to the site are located on Princess Margaret Road, Coronation Avenue and East Tilbury Road. These stops were served by a single bus service, Route 374, running from Grays to Bulphan via Chadwell St Mary, East Tilbury and Stanford-le-Hope in one direction, and from West Horndon to Grays via Bulphan, Stanford-Le-Hope, East Tilbury and Chadwell St Mary in the other. However, this bus service stopped running in September 2023 and currently there is no bus service serving East Tilbury.

Existing Rail Services

- 6.92 East Tilbury Rail Station (operated by National Express c2c) is located near the site, on Princess Margaret Road East Tilbury. The station connects London Fenchurch Street and Southend Central. The journey time from East Tilbury to London Fenchurch Street is approximately 46 minutes. Despite the East Tilbury benefiting

from high levels of accessibility the settlement is severed by a level crossing within the settlement. The railway line runs east west, across the site and acts as a point of severance for pedestrian, cycle and motorised traffic trying to move north – south along Princess Margaret Road. This physical separation of East Tilbury and Linford by the level crossing at east Tilbury Station detrimentally affects vehicular and pedestrian flows for local residents, with many raising concerns over the length of queues and delays to their journeys.

Connectivity

- 6.93 The applicant does not seem to have considered public transport accessibility and the application seems to very much depend on the formation of a bridge and much of the assessment is based on the bridge being in place. Despite the proposed street network, public rights of way and bridleways, for residents in the north-west corner of the site (north of Muckingford Road) for example, connectivity is likely to be poor. From the north-west corner of the site it would take approximately 35 minutes (assuming no delays at the level crossing) to walk the approximately 1.1 miles / 2km to the Cooperative Supermarket in East Tilbury. If making a similar journey by bike, there are no dedicated lanes. Even with the proposed bridge in operation, residents in the western part of the site are likely to face similar challenges for active travel journeys.
- 6.94 No changes to the existing bus route are proposed but the applicant hopes that the existing 374 service could be diverted through the proposed development, although there is no information on this as to whether discussions have taken place with the bus operator and there is nothing offered by the applicant in the s106 HoTs on this. The Council's Highways Officer considers that the applicant does not seem to have considered public transport accessibility.
- 6.95 The Parameter Plan for movement shows retained bridleways and new streets for active travel opportunities for footpaths and more details shall need to be provided on this through the reserved matters but a condition can require this plan to influence the reserved matters.

Travel Plan

- 6.96 A Framework Travel Plan for the scheme has been included as Appendix A13 but the Council's Travel Plan Officer has raised concerns over the site's location and lack of sustainable infrastructure. A travel plan can be a requirement of a planning condition or obligation through the s106 for the development, if it were approved.

Parking

Parking Strategy

- 6.97 As an outline application there is limited information on parking as such details will be agreed through the layout consideration to the reserved matters. From the information provided the proposed development would provide off-street car parking in accordance with the residential parking standards for Thurrock (2022). The applicant considers that the site is categorised as having medium accessibility although the Council's Highway Officer considers that some of the site is located within a medium accessibility area and some within a low accessibility area.
- 6.98 The proposed car parking standards relating to the development (C3 Dwelling Houses), located within the medium accessibility range is indicated below:
- Houses = 1.5 – 2.0 spaces per dwelling; and
 - Visitors = 0.25 spaces per dwelling (in addition to the above, unallocated and designed on-street where appropriate).
- 6.99 On the basis of 1,000 dwellings, the provision of parking spaces would be in the region of 1,500 to 2,000 spaces, with an additional 250 visitor spaces. The standards suggest that no disabled parking is to be provided if parking is provided within the curtilage of dwellings, otherwise as visitor and unallocated.
- 6.100 A planning condition shall require any future reserved matters application to adhere to the Council's parking standards.

Cycle Parking

- 6.101 The proposed cycle parking standards relating to the development are also contained within the parking standards and are indicated below:
- 1 secure and covered space per dwelling (can be included in a garage space);
 - 1 secure and covered space for dwelling, located in a communal area.
- 6.102 If garages are provided for all units only visitor spaces will be provided.
- 6.103 A planning condition shall require any future reserved matters application to adhere to the Council's cycle parking standards.

Conclusion on Parking

- 6.104 To accord with policy PMD8, the proposal will need to deliver parking based on 1 bedroom dwellings providing 1 to 1.25 off street spaces, 2/3 bedroom dwellings 1.5

to 2 off street parking spaces and 4+ bedrooms providing an additional space. The applicant also needs to account for the provision of visitor parking at a rate of 0.5 spaces per dwelling. Provision of secure and covered cycle storage areas will need to be provided. Electric vehicle charging points will also need to be provided in suitable locations in apartment block parking areas.

Servicing and waste collections

- 6.105 The proposed access roads and the main haul road have been appropriately designed to allow for large goods vehicles. A swept path analysis has been undertaken for the proposed Application Site accesses based on a rigid 15.5m and 16.5m articulated lorry, a large fire tender and a large refuse vehicle, which are the largest vehicles likely to access the Application Site. All these vehicles can enter and exit the Site in forward gear and also manoeuvre safely within the Site.

Traffic Generation and Trip Rates

- 6.106 The existing site, being an agricultural use, generates only ad hoc agricultural vehicle movements and, as such, it is assumed that the site generates no trips at present.
- 6.107 According to tables 6.2 and 6.3 of the Transport Assessment 2022. For Scenario 1, the proposed residential trip generation would be 90 vehicles arriving and 222 departing during the AM peak and during the PM peak, 203 arriving, and 131 departing. For Scenario 2, the AM peak would find 109 vehicles arriving and 267 departing, then at the PM peak, there could be 245 vehicles arriving, and 158 departing.

Highway Network Assessment

Queue lengths

- 6.108 An updated Transport Assessment (TA) has been submitted in support of the application. The TA gives a positive view towards the potential traffic impact. However, it is clear that the development proposals will impact on the highway and increase queue lengths at local junctions and some further clarification on the junction impacts was sought by the Council's Highways Officer but the information hasn't been provided.

Local junction modelling

- 6.109 Modelling was undertaken of the Brentwood Road / Linford Road / Chadwell Hill / and River View, Stanford Road / Buckingham Hill Road, Muckingford Road / Beechcroft Avenue , East Tilbury Road / Princess Margaret Road / Muckingford

Road, Princess Margaret / Station Road, and Walton Hall Road / East Tilbury Road / Northumberland Road / Buckingham Hall Road junctions, plus the Orsett Cock roundabout.

6.110 The Council's Highways Officer in their consultation response dated 09 April 2024, has stated that further information is required. In relation to impacts on the local highway network, Highways said:

"Due to the size of this development, even on the smaller scaled scenario 1, there will inevitably be a significant impact on the local highway network, both in the settlement area of East Tilbury & Linford, but also to the west in Chadwell St Mary and north, onto the A1013 and A13 (Main Road Network (MRN)) networks. It is also clear that this application is very much reliant on the formation of a bridge across the railway to link Muckingford Road and Princess Margaret Road to facilitate the majority of development. Without the provision of a multi-modal bridge this development will clearly severely adversely impact the highway network in the area and would be contrary to local highway policies. This can already be seen at the railway level crossing in East Tilbury which, currently suffers from long queues and delays at peak times".

"At present it is considered that there is insufficient information to fully understand the impact of this development on the Local Highway Network and the wider Main Road Network (MRN) to be compliant with policies. This is expanded upon under each policy heading" in the Highways Consultation response. "The applicant has emphasised the need for a multi-modal bridge to facilitate development to the south of the railway line; however, further information is required to allay concerns. The applicant is requested to provide further information in respect of these main areas, as well as other items identified under each policy points particularly in respect of phases of the development:-

- i. the design criteria of the bridge
- ii. the link road and internal junctions
- iii. the new junctions to the existing network
- iv. Cross Keys junction assessment
- v. Buckingham Hill Road junction assessment
- vi. A13/A1013 Orsett Cock junction assessment
- vii. A13/A1013/A1014 junction assessment

6.111 A response was not received to these areas of concern, and an appeal against non-determination was submitted to the Planning Inspectorate by the Applicant 10 days later on 19 April 2024.

Highway Improvements and Mitigation

6.112 The mitigation measures for transport impacts are set out within table 5.14 of the ES, these include adherence to the Construction Environmental Management Plan (CEMP). An operational phase, mitigation measures including cycle parking provision, travel plans, increased cycling permeability across the site, improved pedestrian access, and improvements to neighbouring roads to improve the pedestrian environment.

The Environmental Impact (EIA)

Construction Phase Impact

6.113 The only construction phase impact considered within the SE is increased HGV movements, dust, and noise impacts, which are predicted to have no residual effect, regardless of the development scenario.

Operational Phase Impact

6.114 At operational phase, the ES identifies residual minor beneficial effects for the impact on cycling, severance, impact on pedestrian amenity and fear / intimidation / accidents / safety and hazardous loads. The ES identifies residual minor adverse effects on public transport services and impacts on local traffic flows, plus negligible adverse impacts on pedestrian delay.

6.115 The Updated Environmental Statement (December 2022) was supplemented with additional forecast traffic data, then reflected in the February 2023 Updated Environmental Statement. The Non-Technical Summary Addendum of the Environmental Statement dated September 2023 summarised the transport effects as:

- During demolition and construction – ‘no residual significant construction traffic impacts’ in either scenario.
- During operation of the completed development – broadly unchanged from the Updated ES (December 2022) for both scenarios, “with the majority of links predicted to experience negligible effects”. The exceptions to this are Muckingford Road (“moderate adverse impact”); Buckingham Hill Road (“slight adverse impact”); and Princess Margaret Road (“moderate positive impact”) and “Overall, there are not predicted to be any significant residual effects in terms of additional vehicle movements”.

6.116 The Council's Highways Officers does not agree with the nature and extent of effects identified by the Applicant. In their consultation response dated 09 April 2024 for the same reasons as stated above.

Summary of highway mitigation measures / planning obligations and conditions

6.117 There are no details provided in the draft HoTs to identify highway mitigation proposed other than the Parameter Plans for Movement that show the spine road, the overbridge and junctions to the north and south of the site. In light of the Council's Highway Officer's consultation response the application is considered unacceptable in highway terms.

Lower Thames Crossing:

6.118 The ES and other application documents have included the possibility of the Lower Thames Crossing within their two development Scenarios. For context, a decision on LTC is expected from the Secretary of State for Transport by 4 October 2024.

Conclusion – Access, Connectivity, Travel Plan, Parking & Traffic:

6.119 In both scenarios, the residual effects on local traffic flows are anticipated by TC Highways Officers to have significant, rather than minor adverse effects. Without provision of the proposed overbridge, the effects would be severely adverse. Plans of the overbridge are essential to creation of a new north - south access, yet plans have not been provided to the Council. The importance of access, particularly in relation to the proposed overbridge that would be necessary to make the development acceptable in planning terms, is a key issue and it is not consider reasonable for the Applicant and their Agent to withhold details of the proposed design from officers. Without being able to view and assess the proposed design, it is not possible to assess the appropriateness of its position, layout, scale and function.. The effects of alternative transport and access arrangements have not therefore, been assessed within the ES.

6.120 Due to the size of this development, there will inevitably be a significant impact on the local highway network. There are some issues with this development proposal, mainly relating to its potential impact on the highways network, particularly as the Transport Assessment submitted does not fully address the potential impact of this development. At present the assumptions within the Transport Assessment are not agreed. Overall, there is insufficient evidence to determine that the proposed access arrangements are acceptable with regards to the relevant policy and the NPPF/PPG tests/considerations.

IV. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.121 Policy CSTP22 requires proposals to have a 'positive response to the local context', and policy CSTP23 seeks to 'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place' with proposals needed to be considered where their character is a 'rural landscape' and within the 'Green Belt'. Policy PMD2 states 'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'.
- 6.122 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. This provides a means of bringing forward development proposals which involve understanding the place, working with site features, making connections and building in sustainability.
- 6.123 The NPPF (2023) seeks to enable well-designed and beautiful places, saying at paragraph 131:
- 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.
- 6.124 Design Codes are a tool to achieve these objectives and should be prepared by developers in support of planning applications at sites they wish to develop. Paragraph 134 of the NPPF explains that Design Codes should take into account the National Design Guide and National Model Design Code.
- 6.125 In accordance with paragraph 134 of the NPPF (2023), in order to achieve well-designed and beautiful places, design codes can be prepared at a site-specific scale, including to support an application. Regardless of the author or scale, design codes should 'be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes'. The ten characteristics of a well-designed place are defined in the National Design Guide as:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.

6.126 Turning to paragraph 135 of the NPPF, the available application documents generally and the Design and Access Statement specifically, have been reviewed to consider if the proposal meets the expectations for the creation of well-designed and beautiful places.

Vision and Design Coding

6.127 The process of ‘Analysis – Vision – Code’ that is encouraged in the National Model Design Code has not been fully addressed. There is no Design Code forming part of this application and one is needed to include for example, information on context; movement; nature; built form; identity; public space; homes and buildings; uses; resources; and lifespan. Some but not all of these scoping topics are reflected in the two Design and Access Statements (DAS) submitted in support of the application. However, where topics such as context are included, they don’t go into the level of detail expected from a design code and fail to translate into proposals for design and delivery. Regarding context, the (scenario 1) DAS says on page 87 ‘Thurrock Council has identified the grid layout as an important part of the historic factory’s character’ in response however, the proposal is anchored by an arc shaped main road through the middle of the C shaped Site. Smaller, grid street layouts are shown south of Bata Mews but the illustrative masterplan on page 81 shows lumpy, large, and irregular shaped block patterns that do not fit with the existing context of street orientation or grain.

6.128 The townscape assessments have been updated but provides scant additional analysis than to what was previously provided. As a result, the characterisation appears to miss critical elements that would be considered unique to East Tilbury. For example, the use of street trees, standard house type designs, and the types of street furniture. These have all been highlighted as unique characteristics of East Tilbury in the latest Conservation Area Character Appraisal and Management Plan.

6.128 The existing area types should be examined in far greater detail than explored within the DAS. Density, maximum heights, architectural features and materials and block sizes from the existing local context should be used to inform the design vision, and meaningful consultation should be undertaken with the local community.

- 6.129 Despite numerous requests, no Design Code was provided for the Application. This lack of a design code represents a missed opportunity to provide evidence that the proposal could achieve well-designed and beautiful places. The Council's Urban Design Officer remains of the position that an outline application of this size, with its visibility in the open landscape and sensitive adjacencies to listed buildings and conservation area, requires the submission of a design code to set clear expectations around design quality. Without this Design Code, it is difficult to assess how high-quality design would be delivered in a manner that builds on the opportunities of East Tilbury's unique identity and mitigates potential harm to the setting of the former Bata Factory buildings and the heritage status of listed buildings and the Conservation Area. Any Design Code produced to support this application should follow the recommended structure and guidance of the National Model Design Code. It is recommended that any Design Code is subject to review by Thurrock's independent Design Review Panel
- 6.130 However, if a design code is not going to be provided by the applicant, then at the very least a planning condition will be required to secure that a design code is approved prior to the submission of any future reserved matters applications. This is important so the design code can then influence and create a masterplan to ensure high quality and beautiful development is achieved.

Layout

- 6.131 From the Parameter Plans it is clear that the layout of development parcels is highly constrained by existing utilities and the indicative road layout. This has created a fragmented development pattern, exemplified by small areas of development to the immediate west and south-west of the former Bata Factory site which appear disconnected and poorly integrated within the wider settlement pattern. There are clear opportunities to better consider how the urban structure and proposed road can deliver a more consistent street grid (in line with the characteristics of the Bata settlement).
- 6.132 There are clear issues around the small blocks proposed to the immediate west of the Factory. This small number of residential units would be bounded by the railway line, elevated bridge structure of the link road, and a large area of vacant land (designated for employment) in the adjacent Thames Industrial Park. This parcel would be very remote from both the rest of the proposed development and the existing local services within the settlement, highlighting potential issues around safety.
- 6.134 As layout is for reserved matters these urban design comments shall need to be considered in regard to preparing the future applications for the reserved matters.

Scale and Massing

- 6.135 The Parameter Plans for scale state that the maximum building height will have a ridge height of not more than 14.2m above finished ground level however, the plans do not specify the existing or proposed ground levels to which the heights relate. Furthermore, there are no minimum set back distances specified to confirm (for the avoidance of doubt), the distance of the tallest buildings from sensitive receptors such as heritage listed buildings in the Bata Estate. The probably largest structure would be the proposed bridge but there is insufficient information regarding the scale of the bridge as this is likely to be taller than 14.2m and the height of the bridge has not been shown on the Parameter Plan.
- 6.136 In their consultation response dated 5 April 2024, the Council's Urban Design Officer sustained their previous objections to the application, saying:
- 'As before, I cannot support this application given its Green Belt location. I don't consider that the parameter plans, and associated design and access statements (including addendums) provide sufficient guarantees to ensure the proposal achieves a minimum level of design quality that justifies very special circumstances in terms of design. This is particularly concerning given the unique identity of the settlement and the significance of the adjacent heritage assets and conservation area'.
- 6.137 However, as a scale will be for determination through the reserved matters these comments on urban design shall need to be considered by the applicant in preparing the future reserved matters.

Conclusion – design, layout and impact upon the area:

- 6.138 Overall, as an outline application there is a limited information provided in the form of a design code, an indicative masterplan or a detailed design and access statement to show how the development would appear in the future, having particular regard to the nearby heritage assets at the Bata Estate. If approved, it is essential that conditions will be necessary to address the concerns raised by the Council's Urban Design Officer and the need for a design code to be agreed before any future reserved matters have been submitted. This is essential to ensure the future layout, scale and appearance of the proposal is considered acceptable having regard to policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the Thurrock Design Strategy SPD and the NPPF.

V. LANDSCAPE AND VISUAL IMPACT

- 6.139 Policies CSTP23, PMD2 and guidance contained in the NPPF advises on landscape character and development impacts.
- 6.140 The East Tilbury Landscape and Visual Impact Assessment document (Tully Associates, 2022), and ES was supplemented by View Modelling (also by Tully Associates) in February 2024.
- 6.141 The Principal Landscape Officer for Thurrock Council said in their consultation response dated 05 April 2023 that:
- “The Landscape and Visual Assessment (LVIA) and the landscape design parameters provided in this application raise significant concern which prevents me from supporting this outline application at this time.”
- 6.142 The response raised concerns that whilst the residual landscape character impacts were identified as a ‘major’ magnitude of change, the corresponding viewpoints were generally assessed to have only moderate adverse effects. Wireframe photo montage illustrations were requested to understand the impact of the loss of an arable land setting of for the villages of East Tilbury and Linford, and to the setting of the heritage listed buildings of the Bata Estate.
- 6.143 The View Modelling subsequently provided and dated February 2024, contained wireframe photo montages for 6 viewpoints including from further west of the site. The View Modelling notes that:
- ‘All development modelling is indicative. Scheme height and extent modelling based on Parameter Plan 2 – Scale and Heights – Option 1 and Parameter Plan 2 – Scale and Heights – Option 2, produced by Icen Projects, drawings dated 26.01.24’.
- 6.144 As explained in section 1.3 of this report, the scale of the proposed development is unclear, given the Parameter Plans do not include proposed levels, or specify if the building heights are maximum parameters. The appearance in the landscape of a 14.2m building at an elevation of 3.86m Above Ordnance Datum (not OAD as written on the plans) is quite difference to a building of the same height at 13.5m AOD.
- 6.145 The notes at the beginning of the View Modelling also make reference to the Tilbury Overbridge being “modelled on National Highways drawings dated 07.02.24” however, despite being requested from the Agent, the design of the proposed road bridge has not been submitted to the Council as part of the application so it is not entirely clear as to the impact the bridge would have on the landscape and its surroundings.

6.146 The View Modelling notes with respect to planting:

“All planting shown is indicative and aims to reflect planting 15 years after completion of the proposed development. New trees range from 8m to 12m in height. New hedgerows range from approximately 2m to 3m in height”.

6.147 This would require trees (particularly in the later phases) to be semi mature to mature when planted – this is a costly specification that would need to be secured by condition.

6.148 The ES describes all effects for landscape and visual impact as either significant / neutral adverse; slight / adverse – moderate adverse; or large beneficial (significant).

6.149 The latest consultation response from the Council’s Landscape and Ecology Advisor considers that the scheme would have significant adverse effects on landscape character and visual receptors within close proximity of the red line boundary, however these effects soon diminish as a result of the topography and vegetation and due to the relatively low heights of the proposed development. It is considered these conclusions to be appropriate and no significant concerns are raised.

6.150 The Council’s Landscape and Ecology Advisor also advises that the overbridge is the main unknown, but it is assumed what is shown on the wireframes is reasonably realistic. It would be viewed against a backdrop of new housing so this will help limit the visual effects on assumption that it would not have gantries or other large structures. The main issue will be lighting assuming that the applicants would want to limit this due to the impacts on new residents. However, there are virtually no public viewpoints towards the buildings from the south and west due to limited roads and rights of way.

Conclusion – landscape & visual impact

6.151 Taking account of the above, in summary the proposal would have an impact upon the landscape and for visual receptors in close proximity of the site and that would diminish with distance. Given the consultation response from the Council’s Landscape and Ecology Advisor it is considered that there are no objections raised on landscape and visual impact grounds and having regard to those comments and policies CSTP23, PMD2, and the guidance contained in the NPPF advises on landscape character and development impacts.

VI. HERITAGE IMPACTS AND ARCHAEOLOGY

Built Heritage:

6.152 The application is for outline planning permission with matters of layout and appearance reserved for later determination. As explained in section 1.3 of this report, Parameter Plans for Layout, Scale, Landscape and Land Use have however been submitted for approval, along with a Design and Access Statement. An Environmental Statement (2022) has also been submitted for assessment and contains sections on Archaeology and Built Heritage to denote the impact of the development on nearby heritage assets. Built Heritage was not included in the September 2023 ES Addendum but was the subject of 'Cultural Heritage: A Statement of Compliance on Amended Scheme' issued by the Agent on 9 February 2024.

6.153 The receptors most affected by the development site are listed in the Environmental Statement as:

- Bata Industrial Buildings Numbers 24 and 34 (both Grade II listed) and 13 (Grade II).
- Bata Avenue (Grade II listed grouping) numbers 2, 4, 6, 8, 10, 12, 14, 16, 18, 24/26, 28/30 and 32/34.
- East Tilbury Conservation Area.
- Church of St James (Grade II* listed).

6.154 The East Tilbury (Bata Village) Conservation Area was first designated in 1993. The Bata settlement at East Tilbury is a highly unusual purpose-built industrial village which developed predominantly between the 1930s-1960s for the British Bata Shoe Company Ltd. The village has a unique international character which combines English Garden City planning and Czech Modernist Architecture. Similar to the model villages which emerged from the late eighteenth century onwards in Britain, East Tilbury was built by British Bata as a self contained social mechanism which embodied the slogan "living separately - working together". Since the departure of British Bata, the condition of East Tilbury has declined, and its unique identity diluted to the extent that Thurrock Council have added the Conservation Area to Historic England's Heritage at Risk Register.

Scenario 1 (EIA impacts) 'Construction and Operational Impacts':

6.155 During construction, the ES predicts that the impact on the built environment will either have no effect, be minor or moderate adverse, with visual impacts such as cranes and construction activity being temporary. Pre-mitigation, the operational impacts of scenario 1 on built environment receptors are slight or minor neutral or in the case of the East Tilbury Conservation Area, Moderate Beneficial.

6.156 During construction, the mitigation effects for built environment impacts for Scenario 1 are described as 'the careful control of dust, vibration, vibration, visual and noise

levels' and hoardings. At operational phase, the ES generally describes mitigation measures for built environment receptors as 'not considered necessary'. The residual construction impacts on the built environment are estimated in the ES to have no effect on the Church of St James and slight or minor adverse impacts on the remainder of the receptors.

- 6.157 Residual operational impacts are described as moderate beneficial for the East Tilbury Conservation Area. For other receptors, the impacts are predicted to have either no effect, or be slight to minor neutral.

Scenario 2 (EIA impacts) Construction and Operational Impacts':

- 6.158 During construction, the ES predicts that the impact on the built environment will either have no effect, be minor or moderate adverse, with visual impacts such as cranes and construction activity being temporary. Pre-mitigation, the operational impacts of scenario 2 on built environment receptors either have no effect, are slight or minor neutral, or in the case of the East Tilbury Conservation Area, moderate beneficial.
- 6.159 During construction, the mitigation effects for built environment impacts for Scenario 2 are described as 'the careful control of dust, vibration, vibration, visual and noise levels' and hoardings. At operational phase, the ES generally describes mitigation measures for built environment receptors as 'not considered necessary'. The residual construction impacts on the built environment are estimated in the ES to have no effect on the Church of St James and slight or minor adverse impacts on the remainder of the receptors.
- 6.160 Residual operational impacts are described as moderate beneficial for the East Tilbury Conservation Area. For other receptors, the impacts are predicted to have either no effect, or be slight to minor neutral.

Built Heritage in the ES:

- 6.161 Built Heritage was assessed in Chapter 8 of the Updated ES (December 2022) and found that during construction phase there would be negligible residual effects on archaeological assets and that for designated and non-designated built heritage assets, any minor or slight adverse effects would be indirect, temporary, short term and reversible. At operational phase, the effects on designated and non-designated built heritage assets were identified as minor neutral or slight neutral, with the exception being the East Tilbury Conservation Area where the development was described as having a moderate beneficial effect. Built Heritage was not included in the September 2023 ES Addendum but was the subject of 'Cultural Heritage: A

Statement of Compliance on Amended Scheme' issued by the Agent on 9th February 2024. The Statement raised concerns with objections from Essex Place Services, Historic England, and Thurrock Urban Design, and said that whilst they did not agree with the objections, that amendments to the proposed scheme should have addressed those objections. The Statement concludes that they would not change the conclusions of the Cultural Heritage ES Chapter.

6.162 An Addendum to the Design and Access Statement – option 1' dated 09 February 2024, says on page 11:

“The revised approach provides a significant open buffer adjacent to the listed buildings, opening up views for some 200m down Princess Margaret Road, similar to those included within English Heritage’s 2007 Historic Area Appraisal.”

6.163 The Parameter Plans for Land Use and Amount do not specify the minimum setback from boundaries or existing adjacent buildings but show public open space and recreational open space immediately to the south of the Bata estate however, these plans do not specify any minimum setback distance from the boundary.

6.164 A Historic England consultation response dated 11 April 2024 says:

“We have considered the amended information submitted in support of the current application. The proposals have not substantially changed in what respects to the amount or location of development proposed, but the plans have been revised to respond to flood and heritage concerns”.

6.165 Whilst recognising the changes to the southern part of the site, Historic England find that harm resulting from the development “remains on the high end of less than substantial” harm and that their objection to the application remains.

6.166 Essex Place Services, who advise the Council on heritage matters, provided a consultation response dated 11 April 2024 that acknowledged the amendments to the proposed scheme but maintains their concern over the impact upon the undeveloped agricultural landscape setting of the Bata Estate and the contribution it makes to the significant of the listed buildings and non designated buildings and to the Conservation Area in important. Views of the factory buildings from the south are an important attribute to the setting of the Bata estate.

6.167 Essex Place Services consultation response, dated 08 April 2024 did not object to the proposed development or take a view on the extent of potential harm or environmental impacts, though did recommend conditions should the application be approved.

6.168 Thurrock Council's Urban Design team provided a further consultation response dated 05 April 2024 that also maintains an objection to the proposal, saying:

“Without this Design Code, it is difficult to assess how high-quality design would be delivered in a manner that builds on the opportunities of East Tilbury's unique identity and mitigates potential harm to the setting of the former Bata Factory buildings.”

6.169 Although the language used by the objectors refers to 'harm' rather than 'impact', it is clear there is a difference of opinion between the Agent and consultees regarding the potential impact of the scheme on built heritage. The Environmental Statement and subsequent 'Compliance Statement' and Agent describing built heritage impacts as neutral or beneficial, and the consultees viewing them as harmful.

Assessment – Heritage:

6.170 The area to the south of the railway has been noted as being of particular sensitivity given its proximity to the listed Bata factory listed buildings and East Tilbury Conservation Area, which covers the Bata Estate. As an outline application there is limited information provided and no indicative masterplan or layout plans to understand the impact of the development upon the heritage assets. Further information would be needed to properly understand how the development would impact the local character and distinctiveness of the East Tilbury Conservation Area (as sought by paragraph 203 of the NPPF). For instance, the 'Bata estate grid' of 6.15m x 6.15m is specifically referenced as an 'important design element' and a 'useful reference for future master planning consideration', yet no explanation or evidence given as to how this has been considered or integrated into the design of the development.

6.171 The openness of the existing landscape around the large, listed Factory Buildings is a fundamental component of the setting of East Tilbury and its character. The relationship of the large-scale Factory buildings to the open landscape appears an intrinsic design intent and characteristic for East Tilbury. Allowing development to envelope the former Factory site would sever the abrupt transition between the large former Factory buildings and the surrounding fields, which has been noted as a key aspect of East Tilbury's character within the Historic Area Appraisal.

6.172 Nevertheless, the advice from Essex Place Services is that proposed development would lead to harm but the level of harm would be a low level of 'less than substantial harm' to the significance of the heritage assets in the area, as assessed in accordance with the harm assessment for heritage assets within the NPPF. Whilst Historic England maintain their objection, their statutory consultation requirements

are to consider impacts upon grade I, grade II* and schedule monuments and none of those heritage assets are located in close proximity of this site with the key heritage assets being nearest grade II listed buildings on the Bata factory estate and the East Tilbury Conservation Area. Whilst further information should be provided to assist with the assessment of how the proposed development would appear in regard to the existing heritage assets, it is considered that given the consultation responses that a decision can be reached on heritage impacts based on the information provided and consultation responses received.

- 6.173 In accordance with paragraph 208 of the NPPF the proposal needs to be assessed as to whether the less than substantial harm to the designated heritage assets is outweighed by the public benefits of the proposal. The heritage advisor at Essex Place Services considers the impacts are at a low level of 'less than substantial harm' and putting the Green Belt principle issues to one side the proposal would lead to public benefits through new housing to meet housing need, access to new and increased open space and a primary school. If there were more details and clarification on the delivery of a new road and access bridge over the railway then this could also be a benefit, but more information is required for this to be considered as a benefit. The extent that impacts on heritage assets will depend upon the merits of the details to be submitted as reserved matters, these can be addressed at that time. For these reasons it is considered that no objection is raised to the application on heritage grounds.

Conclusion – Heritage

- 6.174 The proposal would result in a low level of 'less than substantial harm' and it is considered that the public benefits through new housing to meet housing need, access to new and increased open space, a new road and access bridge over the railway and a primary school, would outweigh the harm in this instance having regard to the test in the NPPF/PPG. Also. having regard to policies CSTP22, CSTP23, CSTP24, PMD4, the Thurrock Design Strategy, and East Tilbury Character Area Appraisal and Management Plan.

Archaeology

- 6.175 Policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance. Paragraph 200 of the NPPF (2023) says: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

- 6.176 Archaeological and cultural heritage effects are referenced in Chapter 7 of the Environmental Statement. In summary, the Environmental Statement finds in relation to archaeology that there would be either negligible, moderate / minor adverse, or moderate adverse effects during construction. These construction effects would be mitigated through archaeological trial trenching and subsequent excavation, thereby reducing the construction phase effects to a negligible level. At operational phase there would be a moderate beneficial effect not requiring mitigation but resulting in a medium beneficial effect.
- 6.177 Regarding Archaeology, Essex County Council's Place Services were consulted on the application and responded on 26 September 2016 and 8 April 2024 saying that "the proposed development lies in a highly sensitive area of archaeological deposits" and should permission be granted, that conditions would be required. Subject to the requested conditions for mitigation, the predicted level of impact on archaeology is not disputed.

Conclusion – Archaeology

- 6.178 Should planning permission be granted, conditions should be secured to mitigate risks to archaeological assets during construction and meet the policy requirements of PMD4 and the NPPF.

IV. OPEN SPACE, SPORTS PROVISION & AMENITY SPACE

- 6.179 Paragraph 96 of the NPPF (2023) advises that planning decisions should aim to achieve healthy, inclusive, and safe places and beautiful buildings which c):

'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'.

- 6.180 Furthermore, paragraph 97 says that to provide the recreational facilities and services the community needs, planning decisions should a):

'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'.

- 6.181 PPG on Open space, Sports and Recreation Facilities, public rights of way and local green space, directs Local Planning Authorities and Developers to Sport England's 2014 guidance on how to assess the need for sports and recreation facilities. Although not a statutory consultee for this application, Sport England have provided a consultation response to advise on the creation of playing pitches, as proposed by the Applicant for a nearby site (application 24/00058/FUL).
- 6.181 Policy CSTP18 seeks to require a net gain in Green Infrastructure and seeks to 'address the connectivity between urban and rural areas in the Borough and ensure that such green assets are multi-functional in use'. The policy also identifies that 'opportunities to increase Green Infrastructure will be pursued in new developments through the incorporation of features such as green roofs, green walls and other habitat/wildlife creation and also innovative technology'.
- 6.182 Policy CSTP20 Open Space says that the Council will seek to ensure that a diverse range of accessible public open spaces including recreational spaces are provided and maintained to meet the needs of the community, particularly in places with an identified deficiency. Map 6 in the Thurrock Greengrid Strategy shows the site south of the railway is categorised as being in an area that is deficient in open space, and parts of the site located north of the rail line are designated as areas being deficient in 20 ha and 100ha sites.
- 6.183 Policy PMD2 seeks provision and enhancement of landscape features required for multiple uses and eco system services including amenity, recreation, and surface water drainage.
- 6.184 Policy PMD5 Open Spaces, Outdoor Sports and Recreational Facilities states that proposed development must ensure that:
- i. 'New open spaces, outdoor sports and recreational facilities are provided in accordance with adopted standards to meet the needs of the development and to address deficiencies.
 - ii. New facilities are fully integrated into the design of development schemes as an element of place making.
 - iii. Facilities are safe and easily accessible to all.
Where the Council considers that provision on-site is not feasible or appropriate, it will require developer contributions to improve existing, or provide new, spaces or facilities elsewhere'.
- 6.185 Standards for the quantity and quality of open spaces, sports and recreational facilities are set out in the Layout and Standards SPD. For outdoor sports facilities including playing pitches courts, and greens, these standards supplemented by the following specific requirements:

- i. New developments will be required to contribute to the provision of appropriate outdoor sports facilities.
- ii. All sports and recreational facilities are required to incorporate appropriate ancillary facilities, such as changing rooms and parking to ensure access for the whole community.

Green Infrastructure and Open Space

- 6.186 Although landscaping and layout are reserved for later determination, Parameter Plans on both topics have been submitted for assessment, along with a Design and Access Statement (DAS). The public open space provision is described as 24.4 hectares for scenario 1 and 34.8 hectares for Scenario 2.
- 6.187 If approved, conditions would be required for the Parameter Plans to influence the future reserved matters and a condition would be necessary of the approval of a site wide green infrastructure masterplan. The green infrastructure masterplan should include details not limited to proposed planting and suitable habitat features, surface water drainage areas, access and visitor provision, and timescale for delivery of landscaping. Green Infrastructure provision should also be captured in any Design Code prepared at reserved matters stage.
- 6.188 Details of the proposed green infrastructure are lacking with this outline application and further information shall need to be provided through conditions and through the 'landscaping' reserved matters to ensure compliance with policies CSTP18, CSTP20, PMD2 and PMD5 and the guidance contained in the NPPF/PPG.

Sports Provision

- 6.189 The most recent Parameter Plans for Landscape (26 January 2024) indicate that Scenarios 1 and 2 would provide 0.13 ha of 'other play features including Multi Use Games Area and bowling green' within the site boundary. The Addendums to the Design and Access Statement for each Scenario dated 09 February 2024 said that a planning application had been submitted for an additional sports field of 3.8 hectares on land east of Princess Margaret Road. The Planning Statement refers to a range of senior, junior and training pitches would be centrally located.
- 6.190 Draft Heads of Terms (HoTs) submitted by the Agent on 13 March 2024 proposed:

Scenario 1 (830 dwellings)

1. New Playing Pitches - Developer delivery off site, under planning application reference 24/00058/FUL. Sport England request is for 1.247 ha per 1,000

- population (2.09ha). Specification for natural grass pitches, (excavation, seeding, boundary treatment) parking arrangements, to be agreed prior to commencement of development along with management of pitches. New Pitches to be delivered prior to occupation of 150 dwellings.
2. Outdoor Sports – contribution of £154,063 for the capital cost of meeting the demand generated by the estimated population for playing pitches (excluding adult, youth and mini football) for Outdoor Sports
 3. Outdoor sports changing rooms – contribution of £139,199 for the capital cost of meeting the demand generated by the estimated population for playing pitches (excluding adult, youth and mini football) for Changing rooms.
 4. Indoor sports hall – £414,605 contribution.
 5. Indoor sports swimming pool - £457,800 contribution.
 6. Indoor sports (bowls) - £9,897 contribution.

Financial contributions 2 – 5 are proposed to be paid at triggers of:

- 25% prior to commencement of development of phase 2 and phase 3
- No proposal has been made for the wording of terms within a Section 106 Agreement that could secure new playing fields off site. Contributions calculated by the Agent using the Sport England calculator and a population estimate of 1,992 people.

Scenario 2 (1,000 dwellings)

1. New Playing Pitches - Developer delivery off site, under planning application reference 24/00058/FUL. Sport England request is for 1.247 ha per 1,000 population (2.09ha). Specification for natural grass pitches, (excavation, seeding, boundary treatment) parking arrangements, to be agreed prior to commencement of development along with management of pitches. New Pitches to be delivered prior to occupation of 150 dwellings.
2. Outdoor Sports – contribution of £185,618 for the capital cost of meeting the demand generated by the estimated population for playing pitches (excluding adult, youth and mini football) for Outdoor Sports
3. Outdoor sports changing rooms – contribution of £167,710 for the capital cost of meeting the demand generated by the estimated population for playing pitches (excluding adult, youth and mini football) for Changing rooms.
4. Indoor sports hall – £551,567 contribution.
5. Indoor sports swimming pool - £499,524 contribution.
6. Indoor sports (bowls) - £11,924 contribution.

Financial contributions 2 – 5 are proposed to be paid at triggers of:

- 25% prior to commencement of development in phases 2, 3, 4 & 5
- No proposal has been made for the wording of terms within a Section 106 Agreement that could secure new playing fields off site. Contributions calculated by the Agent using the Sport England calculator and a population estimate of 1,992 people.

- 6.192 These contributions were not agreed by the Council or Sports England prior to them being used in the Financial Viability Appraisal. The location of the other facilities for which financial contributions are proposed and the applicant refers to off site contributions for a swimming pool contribution and bowls contribution.
- 6.193 The Financial Viability Appraisal (FVA) dated March 2024 submitted by the Applicant references the 2023 Parameter Plans for Land Use and Amount – these show the now superseded offer of 1.82-hectare sports fields for Scenarios 1 & 2. Table 4.3.8.1 of the FVA, Section 106 Obligations, describes the total Sports England contribution as £1,175,565 for Scenario 1 and £1,416,343 for Scenario 2. The Infrastructure Cost Plan also contained within the FVA estimates the cost of the playing fields to be £308,706 – this does not include associated costs for facilities such as a changing room, so it is unclear if the cost of the developer delivering the playing fields is realistic to meet Sports England standards.
- 6.194 Sport England’s latest consultation response to the proposal dated 24 June 2024 has taken into account that is now subject to a non-determination appeal and have identified various solutions to address and mitigate the need for sports provision.
- 6.195 For outdoor sport provision Sport England are seeking a preferred solution for use of the land to the east of the application site across Princes Margaret Road. That site is subject to a current planning application ref 24/00058/FUL for a change of use of the land to sports pitches, but it is separate from this planning application. In the event that planning application ref 24/00058/FUL is not approved then the first alternative solution would be for on site sports provision to be provided. Previously the application offered 1.8 hectares of land for this purpose. The second alternative and least preferred option would be an off site financial contribution, although there are no details at this stage of how much that contribution would entail but Sport England have said this is an undesirable option and as would be outside of the East Tilbury/Linford area. In planning terms that would not offer any direct benefit for future residents and would be unsustainable to create additional journeys away from this location.
- 6.196 For other sports provision, Sport England require a financial contribution towards the demand for a sports hall of £512,841 and swimming pool projects of £565,735, a community use agreement to allow use of the school hall and playing fields at the proposed primary school (to be secured through condition), and a requirement for Sport England’s active design principles to be used for future design and layout in the reserved matters (to be secured through condition).

In summary, the above options shall need to be secured through planning conditions and obligations to meet the sports provision needs of the development to satisfy the requirements of relevant local and national planning policies.

Amenity space

- 6.197 Policy PMD2 requires new development to provide public and private amenity space in accordance with the adopted standards which are those set out in 'saved' Annex 1 of the Borough Local Plan, which require certain levels of minimum private amenity space based on gross floor area for new dwellings and amenity space for flats based on bedroom numbers [25 sqm for 1 bedroom flats and 50 sqm for 2 bedroom flats]. Paragraph 127 [f] of the NPPF requires 'a high standard of amenity for existing and future users'. As an outline application there are no details to show the proposed indicative layout of the development and the reserved matters will need to assess the details of future amenity space provision for each property.

Childrens Play Space

- 6.198 Policy PMD5 requires the provision of children's play space in new developments and Appendix 5 of the LDF stipulates requirements for children playing space. As an outline application there are no exact details to show the proposed provision of children play space but the Parameter Plan for Landscaping shows that 4 children play areas would be provided for scenario 1 and 5 would be provided for scenario 2. Policy PMD5 requires that either Local Area of Play (LAP's), Local Equipped Area for Play (LEAP's) and Neighbourhood Equipped Area for Play (NEAP's) are provided, all 3 types vary as to size and equipment. There are no details of exactly what would be provided so a planning condition shall need to require information to be provided and such details shall also need to be included in any future reserved matters application to ensure compliance with policy PMD5.

Allotments

- 6.199 Policy PMD5 requires allotments and Appendix 5 of the LDF requires allotments of 15 plots per 1,000 households. It is recognised that the Landscape Parameter plan shows allotments and therefore a condition shall be included to require more details of the allotments and this information shall also need to be provided through the future reserved matters application to ensure the requirements of Appendix 5 of the LDF are met.

Conclusion

6.200 The application should be refused for the reason that insufficient information has been submitted to demonstrate compliance with policies NPPF, NPPG CSTP20 and PMD5 with regard to the sport provision and Sport England maintain their objection.

6.201 For the Green Infrastructure/Open Space, amenity space and children’s play space this could be secured through conditions and future reserved matters with regard to policy compliance.

V. EDUCATION PROVISION

6.202 Policy CSTP12 (ii.) requires ‘the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs: where appropriate different levels of education may be located together’.

6.203 Paragraph 99 of the NPPF (2023) states ‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

6.204 In addition to the above, the ‘policy statement – planning for schools development’ sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system, and requires the presumption in favour of the development of state funded schools to reflect the ‘presumption in favour of sustainable development’, as set out in paragraph 11 of the NPPF.

6.205 A letter dated 17 January 2024 (reference 21/241) from the agent stated that ‘land has been set aside for primary school provision within the Parameter Plans is sufficient to accommodate a 2-form entry primary school’. The applicant has proposed the following contributions in a table issued 13 March 2024:

The Applicant’s education contribution		
	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery - £679,251 Primary – £4,823,730 Secondary – £3,556,184	Nursery - £839,826 Primary – £5,810,095 Secondary – £4,283,258
	Delivery of a primary school	Delivery of a primary school

	£10,422,381 instead of a primary £ contribution	£10,422,381 instead of a primary £ contribution
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6.206 The Council’s Education Officer has identified that a financial contribution is required at nursery, primary and secondary level. These amounts are based on a consultation response received on 5 April 2023.

6.207 The Council’s Education Officer June 2024 financial requirements are identified as follows:

The Council’s Education Team’s contribution requirements		
	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery – £706,980.72 Primary – £5,100,364.82 but prefer applicant to deliver primary school Secondary – £3,724,747.72 Secondary Transport Contribution Total £9,532,093.27	Nursery – £851,545.41 Primary – £6,143,296.57 but prefer applicant to deliver primary school Secondary – £4,486,390.81 Secondary Transport Contribution Total £11,481,232.78

6.211 It should also be recognised that the planning permission for the land to the rear for the George and Dragon site (ref 21/01812/FUL) would provide increased demand for school places in the area from the 230 homes consented.

6.208 The above is based on 35% affordable housing provision and discounts all 1 bedroom units from the calculation.

6.209 In addition to the above the Council’s Education Officer would require a contribution for transporting secondary school aged children to the nearest secondary school.

6.210 The local primary school is a 4 form entry and is at capacity. The requirement would be for a new 2 form entry primary school to be delivered at the site. The Council’s Education Officer requires a new 2 form entry primary school to be built by the applicant at no cost to the Council. At present there is no information about how a new primary school will be delivered or how it is to be funded. The applicant’s HoT’s table refers to the developer delivery a new primary school prior to the occupation of 200 dwellings but the Council’s Education Officer would require a delivery of the primary school prior to any occupation as there are no school places at the East Tilbury primary school to accommodate pupils from this development. In addition, the Council’s Education Officer advises that an expression of interest and further

competition would be required to secure an academy trust to run the school.

- 6.211 It should also be recognised that the planning permission for the land to the rear for the George and Dragon site (ref 21/01812/FUL) would provide increased demand for school places in the area from the 230 homes consented.

Conclusion

- 6.212 At this point in time there is not an agreed position between the applicant and the Council's Education Officer on the education position. The Council's Education Officer has advised the applicant of the need for an All Through School catering for primary and secondary provision would be the best option. As it stands without any agreement on education the application is unacceptable as the applicant has not mitigated the impact upon education needs arising from this development as there is no agreement with the Council's Education team on how the school would be provided.
- 6.213 In addition to this the applicant has not demonstrated how secondary school aged children would be transported in a safe and sustainable way.
- 6.214 The application is therefore unacceptable and contrary to the NPPF and policy CSTP12 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and the NPPF.

VI. HEALTH PROVISION

- 6.215 Chapter 15 of the ES discusses the effects of increased demand for healthcare provision at operational phase, finding that there would be only a minor adverse effect before mitigation by S106 contributions, after which the effect would also be minor adverse.
- 6.216 The Applicant's proposed S106 HoT table proposes a financial contribution. The contributions suggested by the applicant are £428,700 (Option 1) or £516,800 (Option 2), saying 'Contribution calculated based on number of dwellings per phase. 50% of contribution to be paid prior to commencement of development of the relevant phase and remaining 50% prior to occupation of 50% of dwellings within such phase' and 'Developer contribution. Land available on site to facilitate new facility 0.3 ha'.
- 6.217 The NHS raise no objection subject to a financial contribution secured through a s106 legal agreement to mitigate the impact of the development. Based on the 2023 consultation response, for the two different scenarios the requirement would

be for £428,700 (scenario 1) or £516,800 (scenario 2) and the applicant has agreed those in their offer within the s106 HoT table.

- 6.218 Whilst a health centre is shown on the Parameter Plans for Land Use and Amount for both scenarios the NHS has advised that it is unlikely to be viable in this location for the ICB but further info on this was requested in order that its ability to mitigate the impacts of proposed development can be understood. There has been no further information provided on this and the applicant's offer within the s106 HoT table, as a recent submission, shows the applicant is currently looking to provide the financial contribution. Nevertheless, the health centre shown on the plans will remain on the plans if approved and could allow for either or situation of financial contribution or health centre. If a health centre is considered necessary, then the plans allow for this in the future.
- 6.219 It should also be recognised that the planning permission for the land to the rear for the George and Dragon site (ref 21/01812/FUL) would provide increased demand for healthcare in the area from the 230 homes consented.

Conclusion

- 6.220 Based on the consultation response from the NHS planning obligations are required to secure either of the financial contributions of £428,700 (scenario 1) or £516,800 (scenario 2) towards mitigating the proposed development's impact upon the local health service and the applicant has agreed to those in their offer within the s106 HoT table.

VII. ECOLOGY AND BIODIVERSITY

- 6.221 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management and improving key sites. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity. Paragraph 186(a) of the NPPF (2023) advises that where harm cannot be adequately mitigated or compensated then planning permission should be refused.
- 6.222 The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). The Council's Landscape and Ecology Advisor has stated that the site falls within the 'Zone of Influence' of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site. The local planning authority is

therefore required to undertake a Habitat Regulations Assessment to understand the impact.

Habitats Regulations Assessment

6.223 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard to 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 63 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.

6.224 A Shadow Habitats Regulation Assessment (HRA) is contained at Appendix 4 of the ES Addendum (2023).

6.225 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Natural England have been sent the Habitats Regulation Assessment in response to their consultation response and are satisfied with its content but the responsibility lies with the Council as the competent authority. If the application were to be recommended for approval the proposed development would require the mitigation identified within the Assessment that is set out below in the HRA. In that scenario, subject to the mitigation measures being secured, it would be possible for the local planning authority to determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects. However, as the recommendation below is to refuse planning permission, it is not necessary to include a separate recommendation to address the Habitats Regulations.

6.226 The Council's Landscape & Ecology officer raised concerns in their consultation response of 25 May 2023 that the scheme had the potential to result in likely significant effects on the qualifying features of the Thames Estuary and Marshes Special Protection Area/Ramsar due to increased recreational disturbance resulting

from the increased footfall along the coast path between Coalhouse Fort and Thameside Nature Park in particular. Due to the scale of the project, a Habitats Regulations Assessment was required for the project.

6.227 The original application predated the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy; however the principles are considered appropriate in determining the mitigation measures that are required. The scale of the proposed scheme, together with its proximity to the SPA/Ramsar means that the provision of a Suitable Alternative Natural Green Space was necessary.

6.228 In their consultation response dated 22 November 2023, Natural England advised that without appropriate mitigation the application would:

- “have an adverse effect on the integrity of Thames Estuary and Marshes Special Protection Area (SPA)/Ramsar site
- damage or destroy the interest features for which Mucking Flats and Marshes Site of Special Scientific Interest has been notified”.

6.229 A meeting was held between the developer and their ecologists, Natural England and the LPA on 10 July 2023 to discuss potential Suitable Alternative Natural Greenspace (SANG) provision and other mitigation that could form part of the HRA. The results of these discussions and additional surveys have been used to develop a Shadow HRA (Ecology Solutions September 2023). The Shadow HRA identified 3 key measures to address potential recreational disturbance: payment of the Essex Coast RAMS tariff, provision of semi-natural habitat and recreational measures within the onsite landscape buffers to achieve onsite SANG and the use of the enlarged Thameside Nature Park to serve as additional offsite SANG. The onsite provisions would be delivered as part of Phase 1 & 2 of the development. In their most recent consultation response (22 November 2023) Natural England raised no objection to the scheme subject to the appropriate mitigation being secured.

6.230 As a result, Natural England requested mitigation measures as specified in the Shadow Habitats Regulations Assessment (Ecology Solutions, September 2023), specifically:

- the payment of the appropriate financial contribution to Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS),
- the provision of sufficient on-site Suitable Alternative Natural Greenspace (SANG); and
- the provision of Homeowner Information Packs.

6.231 As a guide, Natural England advised that SANGs be calculated at around 8ha SANG per 1000 new residents which for scenario 1 equates to $(830 \times 2.4)/1000 \times 8 = 15.9\text{ha}$,

and for scenario 2 equates to 19.2ha. The application plans, documents and draft S106 Heads of Terms proposed by the applicant make no reference to securing this spatial requirement. A financial contribution is proposed based on last years’ tariff within the Applicant’s draft S106 Heads of Terms regarding RAMS.

6.232 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below, with the local planning authority’s response to each stage:

Stage	LPA response
<p>Stage 1 is the Screening Assessment</p>	<p>The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. Specifically, the following international / European designated sites are located within 10km of the Site (by straight line distance; ‘as the crow flies’):</p> <ul style="list-style-type: none"> • Thames Estuary and Marshes SPA and Ramsar site. The following developments within the Zol qualify: <ul style="list-style-type: none"> • new dwellings of 1+ units (excludes replacement dwellings and extensions) • houses of Multiple Occupancy (HMOs) • residential care homes and residential institutions (excluding nursing homes) • residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features have been identified as being are a variety of bird species.</p>
<p>Stage 2 is the Appropriate Assessment</p>	<p>If the proposal is not within or directly adjacent to the above European designated site. A proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation has been secured in the ‘Summary’ section below. Provided this mitigation is secured it can be concluded that this planning application will not have an adverse effect on the integrity of the above European site from recreational</p>

	<p>disturbance, when considered ‘in combination’ with other development. Natural England does not need to be consulted on this Appropriate Assessment.</p>
<p>Summary of the Appropriate Assessment</p>	<p>The application would result in a net increase of up to 1,000 units and is within the Essex Coast RAMS ZoI. It therefore meets the criteria set out in Test 1 showing that the scheme would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p>The application is for up to 1,000 units. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. The current tariff is £163.86 per unit; therefore, the financial contribution should be £136,004 for Scenario 1 or £163,860 for Scenario 2.</p> <p>Additional bespoke mitigation will be required in accordance with Natural England’s advice dated 22 November 2023 to secure the mitigation measures listed in the Ecology Solutions report dated September 2023, in particular, an appropriate contribution to Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS), plus the provision of sufficient on-site Suitable Alternative Natural Greenspace (SANG) and the provision of Homeowner Information Packs.</p>

6.233 Having reviewed the Shadow HRA the Council’s Landscape and Ecology Officer agrees that so long as the proposed mitigation measures are secured, that the potential for the scheme to result in significant effects on the SPA/Ramsar can be avoided. As competent authority, the Council is recommended to adopt the Shadow HRA for this project. The mitigation measures should be secured within a S106 or by condition.

On Site Ecological Assessment:

6.234 Policy PMD7 requires ‘*development proposals to incorporate biodiversity or geological features into the design as far as possible*’ and ‘*where it can be demonstrated that this is not possible, and there is no suitable alternative site*’

available for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest'. Paragraph 180 of the NPPF requires that planning decisions contribute to and enhance the natural and local environment by (inter-alia):

- Minimising impacts on and providing net gains for biodiversity.

6.235 Ecology & Biodiversity are addressed in Chapter 6 of the ES. The Non-Technical Summary of the Updated Environmental Statement in September 2023 also says that (in response to a request from Natural England for further information), further monthly wintering bird surveys were undertaken between December 2022 and March 2023, an eDNA survey for Great Crested Newts was undertaken in June 2023, bat surveys were undertaken in April 2023 and July 2023, and a shadow Habitat Regulations Assessment was also produced. No further updates were made to the assessment of effects following the surveys.

6.236 The Council's Landscape & Ecology Advisor no longer objects to the proposal and has not disagreed with the assessment of effects, subject to appropriate conditions and obligations being secured.

6.237 On this basis, subject to the imposition of conditions, it is concluded that the effect of the proposal on ecology and biodiversity would be able to be mitigated and it would be possible to secure enhancements within the landscaping that is proposed at the site. The proposal would, therefore, accord with Policy PMD7 and the NPPF in this regard.

Arboriculture:

6.238 Arboriculture is assessed in chapter 10 of the Environmental Statement, identifying 'low' residual effects during construction and operational phases for both scenarios.

6.239 It is agreed that the baseline assessment for arboriculture, namely that the majority of the Site is agricultural in nature with open fields and occasional field boundary trees, hedges and copse edge trees. There is an opportunity through the proposal to increase the number and variety of trees on site and this would be secured through planning conditions and assessment of applications for reserved matters.

VIII. FLOOD RISK AND DRAINAGE

Flood Risk

6.240 Policies CSTP27 and PMD15 are relevant along with chapter 14 of the NPPF and guidance contained within the PPG advises on flood risk.

- 6.241 Chapter 14 of the ES contains information on Water Environment (Flood Risk and Drainage), with Appendix 14.1 containing the Flood Risk Assessment (FRA) and Drainage Strategy. The FRA shows that the application site is located partly within Flood Zones 1, 2 and 3, with zone 3 being the highest risk. The site is considered to be at low risk of fluvial flooding but the risk from tidal sources (the River Thames) is investigated in more detail. The key areas relate to the parcel of land south of the railway, specifically the north-western corner closest to the railway line, and land to the south-east of the Tilbury Industrial Estate and Bata Mews, which are both in Flood Zone 3.
- 6.249 As residential uses are classified as 'more vulnerable' to flooding, the development is required to pass the sequential and exception tests for any development within Flood Zone 3. Other uses proposed for this site are either 'less vulnerable' or 'water compatible' uses. The aim of the sequential test is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test

Sequential Test

- 6.250 A Sequential and Exceptions Test Report dated December 2022 was prepared by the Agent. The Sequential Test looked at alternative sites that were either included in the formally adopted Local Plan (1997) or within the draft LDF Site Specific Allocations DPD (no material weight). The assessment reviewed all sites deemed capable of delivering "strategic level" growth, i.e., those capable of delivering a minimum of 150 residential units. The assessment identified the following sites as being outside of Flood Zones 2 & 3:
- GR103 Askews Farm – capacity for 521 homes but not currently available.
 - LTR 10: Globe Works, Towers Road, Little Thurrock – capacity for 583 homes but not currently available.
- 6.251 The assessment did not consider unallocated brownfield locations such as existing town centres.
- 6.252 It is the authority's role to undertake the Sequential Test. For this application there are no sites of similar size that could accommodate the quantum of development that are allocated for development in the current Local Plan or within a lower risk flood

zone for the two areas of site affected. There are also unlikely to be any other sites within the urban area that could accommodate the quantum of development. Furthermore, any land outside of the urban area within the Borough is Green Belt land, like this site. Given that only two areas of the site are affected by Flood Zone 3 and are not shown for accommodating any development based on the applicant's Parameter Plan, it is considered that no new development would be subject to flood risk and therefore the Sequential Test is passed in this instance.

Exception Test

6.253 After application of the sequential test, the exception test applies for the 'more vulnerable' uses proposed with this development. The Exceptions Test comprises two parts:

- a) whether the wider sustainability benefits of the proposal outweigh the flood risk; and
- b) whether the proposal would be safe for its lifetime without causing increase flood risk elsewhere and where possible will reduce flood risk overall.

6.254 In relation to the wider sustainability benefits (part a) the proposal would lead to wider benefits to the wider community in the form of open space, a potential primary school, mixed uses and a potential health centre. As stated above no development is located within Flood Zone 3 based on the Parameter Plans but to comply with the Exception Test it is considered the wider sustainability benefits would outweigh harm.

6.255 In relation to the safety of the development (part b), the proposal has been assessed by the Environment Agency, the Council's Flood Risk Manager, and the Council's Emergency Planning & Resilience team. The Environment Agency has now removed their objection providing the Council takes into account the flood risk considerations for the life of the development (which are their responsibility), and subject to conditions. The conditions are necessary to mitigate flood risk and include a condition requiring mitigation measures to:

- Mitigation measures detailed within the FRA being implemented.
- Finished ground floor levels for all 'more vulnerable' development shall be set no lower than 0.5% annual probability breach flood level including climate change, this level is assumed to be at 6.67m above AOD.
- Finished ground floor levels for single storey 'more vulnerable' development shall be set no lower than 0.1% annual probability breach flood level including climate change, this level is assumed to be at 6.67m above AOD.

6.256 It is noted that the existing site levels range from 4m Above ordnance Datum (AOD) at the lowest point in the centre of the site, to 8m AOD in the north and 12m AOD at

the highest point in the south.

6.257 The Council's Emergency Planning & Resilience team has said they will not support any sleeping accommodation proposal on the ground floor of any development within the flood zone area, unless a mitigation measures that validate that occupiers will have access to a safe refuge. Details of safe refuge are yet to be provided, however, no development is proposed in Flood Zone 3 so there is no requirement for any mitigation such as a Flood Warning and Evacuation Plan (FWEP).

Surface Water Drainage

6.258 For surface water, the FRA states that it is proposed to attenuate runoff in above ground detention basins prior to infiltration or discharging to adjacent watercourses at greenfield rates, subject to infiltration testing. The exact drainage strategy depends on the development scenario:

- Scenario 1: catchments 3 to 10 are to be drained to a series of cascading detention basins on site prior to discharging at 23.3 l/s (combined 1:1 year greenfield rate) into the watercourse at the south of these catchments (north of the railway). Catchments 11 to 17 are to be drained to detention basins in the south of the site, being infiltrated into the underlying substrate. Catchments 1 and 2 do not exist in Scenario 1.
- Scenario 2: Catchments 1 and 2 are to be drained to two cascading detention basins on site prior to discharging at 9.3 l/s (combined 1:1 year greenfield rate) into the watercourse at the north of the site. Catchments 3 to 10 are to be drained to a series of cascading detention basins on site prior to discharging at 23.7 l/s (combined 1:1 year greenfield rate) into the watercourse at the south of these catchments (north of the railway). Catchments 11 to 17 are to be drained to detention basins in the south of the site, being infiltrated into the underlying substrate.

6.259 At operational phase, Sustainable urban Drainage Systems (SuDS) will be incorporated into the design of the site, and designed in accordance with CIRIA C753 "The SuDS Manual". The drainage strategy includes bioretention features, detention basins and petrol interceptors. The development would have no impact on watercourses (medium sensitivity) and/or aquifers (medium sensitivity) with a negligible effect. The use of SuDS will also ensure that surface water runoff from the Proposed Development is accommodated for all events up to the 1% AEP event including a 40% allowance for climate can be attenuated on site to greenfield rates (1:1 year) 1 in accordance with local requirements to ensure the development does not increase the risk of surface water flooding offsite. Anglian Water and the Council's Flood Risk Advisor raise no objection to this approach for surface water drainage subject to conditions.

6.260 For water consumption, mains sourced water would be provided. Water efficiency measures would need to be implemented to include greywater harvesting, external water and drought resistant planting.

Foul Water Drainage

6.261 For foul drainage, the FRA states that a 225mm diameter foul sewer crosses the Site at the north easternmost boundary south of Siddons Close and there are three foul water rising mains within the site that serve the wider East Tilbury area. At operational phase there is potential for incapacity of sewer infrastructure to lead to increase flooding, this is predicted to have a moderate adverse effect that could be mitigated to a negligible level of risk through liaison with Anglian Water to agree outfall locations, rates and phasing. Anglian Water do not object to the proposal subject to conditions regarding foul drainage works and the other to provide a site layout plan detailing the location of existing assets and any proposed asset diversion.

Conclusion – Flood Risk, Drainage, and Water Consumption:

6.262 Subject to securing necessary conditions where necessary, the proposal would be acceptable with regard to flood risk, drainage and water consumption having regard to policies CSTP27, PMD15, the NPPF and NPPG.

IX. AIR QUALITY

6.263 Policy PMD1 seeks safeguard amenity from air pollution and paragraph 192 of the NPPF requires 'planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants' along with guidance within the PPG.

6.264 In terms of the baseline conditions the site is not within an Air Quality Management Area (AQMA). The nearest AQMA is located approximately 4km northeast of AQMA 24 and covers the Tilbury Dock Road, Calcutta Road part of St Chads Road, in Tilbury.

6.265 Chapter 12 of the Environmental Statement (2022) expects that during the construction phase in both scenarios, the effects will be:

- Dust emissions – high adverse negligible impact classified as short-term local effects at a major adverse level for receptors within 20m of the proposed development, moderate adverse for receptors within 20m - 100m of the proposed development, and minor at distances of 100 – 350m, with negligible

effects for receptors over 350m. Mitigation through the Construction Environmental Management Plan could be reduced to negligible effects.

- Construction vehicle emissions – Negligible / not significant
- Construction plant emissions – Negligible / not significant.

6.266 At operational phase for both scenarios, the effects are predicted to be:

- Nitrogen Dioxide – negligible / not significant
- Particulate matter – negligible / not significant.

6.267 The Council's Air Quality Officer within the Environmental Health consultation response dated 7 October 2016 agreed with the modelling assessment that impacts will not be significant. Therefore, there are no objections with regard to air quality having regard to policy PMD1 and paragraph 192 of the NPPF/PPG

X. NOISE AND VIBRATION

6.268 Policy PMD1 seeks safeguard amenity from noise and vibration pollution and paragraph 191 of the NPPF advises that 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...and in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'. Paragraph 193 of the NPPF is also relevant to ensure existing business and facilities don't have not unreasonable restrictions placed on them. The PPG also offers guidance on noise with links to the Noise Policy Statement for England (NSPE), World Health Organisation (WHO) Guidelines and various British Standards.

"The employment uses to the west of the site could potentially result in noise levels that require mitigation. Nevertheless, this will be partially prevented by the construction of the railway overbridge embankment, essentially creating an acoustic bund. Notwithstanding the embankment, noise mitigation will be needed in some facing residential parcels, influencing both the layout of buildings and private garden spaces, and the control of ventilation within buildings."

6.269 The Council's Environmental Health Officer (for acoustic assessment) provided a consultation response on 09 November 2023 that objected to the proposal and found that noise from the European Metals Recycling Limited (EMR) operations, which is a site located along Station Road, would impact upon the amenity of future residents and that the impact would be significant and detrimental. Subsequent consultation responses from The Council's Environmental Health Officer (for acoustic

assessment) dated 05 January 2024 and 17 April 2024 maintained the objection, in response to information provided by the applicant.

- 6.270 In more detail, the latest response from the Council's Environmental Health Officer refers to the applicant's noise report relying 'heavily on BS 8233:2014 to demonstrate that future occupiers will not be adversely affected by noise from EMR, the application of BS 8233 is not appropriate in this case due to the industrial character of the noise'. It is also stated that 'in past reports that noise from EMR is distinctive in nature and as such awarded a total penalty rating of +9dB for impulsive sounds and other characteristics and as such categorically cannot be compared with road traffic noise'. The Council's Environmental Health Officer recommends refusal on this basis.
- 6.271 EMR initially objected to the proposal in a letter dated 21 March 2023, appending a report from their Acoustic consultants, Broodbakker Limited, commissioned due to concerns their operations could be jeopardised by the introduction of a sensitive (residential) land use near to their operations. On 05 April 2024 Broodbakker published a further document in support of a sustained objection from EMR. Titled 'Report of summary findings following review of technical note on noise mitigation in relation to industrial/commercial sound affecting proposed residential development', the report says at paragraph 1.18:

'Put simply, the methodology applied by Waterman would seek to allow noise impact equivalent to over twice as loud than the point of 'significant adverse impact' when applying BS 4142:2014 as being acceptable for new residential receptors. This is contrary to the 'agent of change' principle and the National Planning Policy Framework (NPPF) material requirements to avoid significant adverse impact and its guidance on noise requirements to mitigate and reduce to a minimum adverse impacts from noise.'

Conclusion – Noise & Vibration

- 6.272 Given that the agent of change' principle is within the PPG on Noise and as stated in paragraph 193 of the NPPF, the Council has to have regard to the impact that any new development would have upon existing businesses and their day to day operations. The evidence provided by EMR's noise consultant finds that the assessment of noise and vibration within the Environmental Statement (and subsequent technical note) does not adequately assess the noise effects upon the proposal from the existing business. The Council's Environmental Health Officer (for acoustic assessment) is objecting to the application and having regard to the requirements of the policy PMD1 the neighbouring use would lead to noise pollution that would be impact upon amenity and therefore be contrary to this policy, and the

guidance in the NPPF. As such this unacceptable and should be refused planning permission as a result.

XI. EFFECT ON NEIGHBOURING PROPERTIES

6.273 Policy PMD1 seeks to minimise impacts upon amenity from new development.

6.274 In Scenario 1 the site is immediately adjacent to the rear of existing residential dwellings on Beechcroft Avenue, in Scenario 2, the site is also immediately to the east of Ashleigh Farm, and immediately to the south of houses in Meadow Close, Redbrook Court, and Lower Crescent. For both scenarios, the site is also located close to the south-western corner of Bata Mews and Shearwater Avenue. Towards the south east corner of the site the site wraps around a property known as Buxton. Just outside of the south corner of the site the nearest property is known as Orchard House, along with two other dwellings.

6.275 The Parameter Plans for Land Use and Amount show open space or landscaping uses for the majority of each of these adjacencies in an attempt to create a setback from future residential development. However, for properties on the western side of Beechcroft Avenue, around Buxton, near to Orchard House and those to north of the site for (Scenario 2) residential development is proposed. It is noted that these plans do not contain minimum set back distances. As outline planning application there are no further details other than the two Parameter Plans for Land Use and Amount. There are no indicative plans to show how development would appear in these locations to aid consideration of the impact upon residential amenity. However, if approved the two Parameter Plans for Land Use and Amount would be conditioned requiring the future reserved matters to adhere to the 'zoning' for residential development as shown. Another condition could be imposed, if considered necessary, to ensure minimum distances as set out in 'saved' Annex 1 of the BLP. The future reserved matters would determine the exact location of new housing in regard to neighbouring amenity but from the information provided within two Parameter Plans for Land Use and Amount there are no objections raised with regard to the impact upon residential amenity.

6.276 Residents within these surrounding streets have objected to the application, with amenity concerns focused on noise, air quality, vehicle movements, loss of rural character, and visual intrusion. The introduction of new development on this land would change the appearance and character of this area with associated vehicle movements using the site and associated activity arising from the all the land uses proposed. Each of these amenity concerns are considered and assessed in other sections of the report.

6.277 Overall, in terms of the neighbouring amenity impact, the proposal does not raise objections with regard to potential impact from future built form based on the information assessed in the Parameter Plans. Further details regarding the exact layout, scale and appearance of the development would be provided at the reserved matters stage and at this stage the information does not raise objections with regard to policy PMD1. However, these comments are separate from the noise issues raised in the section above which is contrary to policy PMD1.

XII. LAND CONTAMINATION AND GROUND CONDITIONS

6.278 Policy PMD1 seeks to minimise pollution and impacts upon amenity, health safety and the natural environment with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Similarly, paragraph 180 of the NPPF (2023) says that planning decisions should contribute to and enhance the natural and local environment by (d) preventing new from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Similarly, paragraph 189 of the NPPF says in relation to ground conditions and pollution that planning decisions should ensure: (a) that a site is suitable for its proposed use.

6.279 The Phase 1 Contaminated Land Assessment submitted with the application dated November 2022 says that no potentially significant contaminative activities have been identified as having taken place on-site historically, and that the potential for contamination to have arisen is low. The desk-based assessment is to be supplemented by intrusive geotechnical and geo-environmental site investigations, but it is unclear these have occurred. The Contaminated Land Assessment concurs with the recommendation from Thurrock Council's Contaminated Land Officer (7 October 2016) that a watching brief during ground works be secured by condition. Subject to conditions for ground investigation and remediation (where found), there are no objections raised with regard to policy PMD1 and the NPPF.

XIII. ENERGY AND SUSTAINABLE BUILDINGS

6.280 A number of policies within the LDF Core Strategy seek to improve energy efficiency and combat climate change. Policy CSTP25 seeks to address climate change and reduce CO2 emissions and policies CSTP26 and PMD13 both seek to encourage low carbon energy sources with policy PMD13 setting a requirement for 15% of energy to provide for residential development by 2015 and by 20% by 2020. Policy PMD12 sets a BREEAM 'Outstanding' requirement by 2019. These policies are compliant with the aims of paragraphs 159, 162 & 163 of the NPPF (2023) and guidance within the PPG.

6.281 The Applicant's Sustainability and Energy Statement dated December 2022 offers:

- the use of electric only systems for space heating and hot water and will be fossil fuel free.
- total indoor water consumption will be reduced to less than 105 litres per person per day for internal water use.
- Measures to mitigate the effects of climate change including a landscape design with trees and vegetation, energy efficient lighting, 'openable windows on multiple aspects spaces', and insulated hot water distribution pipes.
- Encouraging contractors to adopt a waste hierarchy and provide future residents with space for refuse storage and recycling.
- The selection of construction materials that 'should' be responsibly and locally sourced, 'giving consideration' to selecting non-toxic materials, and 'intending to use sustainably sourced timber.

2.282 The energy strategy within the Sustainability and Energy Statement is based upon the principles of the Energy Hierarchy, with measures including:

- Passive design
- Proposed building fabric U-values of 0.17 – 0.26 W/m²K for external walls
- Double glazing 'yet to be formally specified' with expected window U-values of 1.4W/m²K or better (including frame).
- High levels of air tightness, targeting at or below 5 m³ /h/m² @ 50Pa
- An Air Source Heat Pump

'Despite being technically feasible, the use of photovoltaics was, for the purpose of the Applicant's strategy, rejected. Renewable sources of energy from wind turbines and ground source heat pumps were also rejected. In the case of ground source heat pumps, the Sustainability and Energy Statement said 'This technology is considered unlikely to be suitable, due to the uncertainties concerning the thermal properties of the ground. Ground investigation and borehole drilling is likely to be cost prohibitive and may not yield a suitable energy source'.

The Planning Statement says that the 'The proposed development will deliver a high standard of sustainability and energy consumption, being energy efficient and highly sustainable in all aspects of the design. The development will meet or exceed policy targets in this regard'. Presumably by way of example, the Statement then offers that 'The provision of the new spine road and bridge across the London to Southend railway line will assist with reducing pollution from stationary traffic which currently blights East Tilbury at peak times'.

2.283 Although 'building orientation and passive solar design' are cited as a key component behind the layout, no clear examples are provided and no commitment is made, for example, to designing out single aspect north facing dwellings. Furthermore, in

declining to prepare a Design Code, an opportunity is missed to embed clear standards for sustainability in later stages of design. However, there are a number of measures set out in the applicants Sustainability and Energy Statement that could be secured through planning condition to require measures to be incorporated into the reserved matters proposal, if planning permission were to be granted, along with requirements to achieve BREEAM 'Outstanding' to meet policy PMD12 for non-residential development.

Conclusion: Energy & Climate Change

6.284 It is considered that applicant's Sustainability and Energy Statement has not demonstrated compliance with policies PMD12 and PMD13 for measures for renewable and sustainable energy technologies in the future development, however, planning conditions could be imposed to require details to be agreed alongside the reserved matters application and through standalone conditions.

XIV. HEALTH AND SAFETY

6.285 Policy PMD1 seeks to minimise pollution and impacts upon health safety with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Paragraph 45 of the NPPF (2023) states that 'Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them'. The NPPF (2023) defines Major hazard sites, installations, and pipelines as 'Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply'.

6.286 In their consultation response dated 31 March 2023, National Gas Transmission exercised its right to place a holding objection to the proposal as the site crosses a High-Pressure Gas Pipeline – Feeder. National Gas Transmission drew attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE.

6.287 In their latest consultation response National Gas Transmission object to the application as the proposals will result in a an extremely high level of densely populated areas immediately surrounding the pipe. National Gas Transmission have concerns over access, the level of population, placing the pipeline within a corridor, amongst other concerns.

- 6.288 The Health and Safety Executive are a statutory consultee for the application as the site is located within the Consultation Distance of Major Hazard Sites / pipelines. A consultation response from the Health and Safety Executive dated 20 October 2016 stated that 'The assessment indicates that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case'.
- 6.289 In their December 2022 Planning Statement, the agent says that 'Detailed consultation has recently been held with the Health & Safety Executive which has identified that the entire length of the high-pressure gas main has been reinforced with thick-walled construction', this does not however, say that HSE's objection to the proposal has been overcome.
- 6.290 Chapter 14 of the ES, Utilities and Infrastructure, simply says that 'the route of the high-pressure gas main shall be accommodated within the masterplan layout'. No explanation is given within the ES or application documents as to how hazardous risks would be mitigated, or how the objections of statutory consultees could be overcome.

Conclusion – Health and Safety

- 6.291 The Council notes the consultation response of National Gas Transmission and the Health and Safety Executive and as matters currently stand more information is needed on these issues. Whilst this matter does not form part of a reason of refusal it is something that requires further consideration and any update to this will be reported to the committee.

XV. UTILITIES PROVISION

- 6.292 Policy CSTP13 seeks to ensure that adequate provision of emergency services and utilities meet the existing and future needs.
- 6.293 Utilities are assessed in Chapter 14 of the ES and Appendix 2.5 of the ES (2022), the Planning Statement and the Phase 1 Contaminated Land Assessment, across these documents, the following utilities are listed as existing within or near to the site:
- Potable water supply - distribution mains which predominantly run along Princess Margaret Road (four-and-six inch cast iron mains) and East Tilbury Road (ten inch main) serving the existing nearby properties. Furthermore, there is also an existing eight-to-ten inch cast iron distribution main runs along the highway of Muckingford Road

- Gas - a major (900 mm) a National Grid gas pipeline (Feeder 18 Stapleford Tawney to Tilbury Thames North) crosses the Site i.e. north-western part of Area A, northern part of Area B and across (north-south direction) Area C.
- Foul water - an Anglian Water foul sewer crosses all three Site areas.
- Telecommunications – records from Openreach BT indicate there are existing underground telecommunications networks present around the periphery of the development site. Asset record plans have also been obtained from Virgin Media who confirm that there are existing cable networks present along Princess Margaret Road and Muckingford Road, serving the existing properties in the local area.
- Electricity - National Grid Electricity Transmission and UK Power Networks have illustrated there are overhead cables running within the site.

6.294 Full details of all Site services are within the Contaminated Land Assessment to be outlined within the Icornerstone Products Ltd Utilities Search Report (Icornerstone Projects Ltd, 2022).'

6.295 The Planning Statement refers to detailed consultation with the Health and Safety Executive regarding the risks associated with the high-pressure gas main – saying it has identified that the entire length of the high-pressure gas main has been reinforced with thick-walled construction.

6.296 For servicing of the development at operational phase, the Planning Statement explains that the site is not served by mains gas but has water, sewerage, electricity and telecommunication connections. The proposal would not provide a main gas connection so the site would be reliant on an upgraded electricity supply. Improvements and upgrades to all other utilities would be implemented.

Conclusion – Utilities:

6.297 Although Chapter 14 of the ES concludes that the development proposals 'will not have a detrimental impact on the surrounding utility infrastructure', a more detailed analysis of the site constraints associated with existing infrastructure would have helped demonstrate if this is the case. A layout plan of the Site showing the layers of various existing utilities and their exclusion / notification zones, would also help to identify which areas of the site cannot be developed without significant cost or disruption – potentially impacting upon delivery.

6.298 It does appear that the Parameter Plans have been designed with the high pressure gas main constraint in mind and this assessed in the Health and Safety section of this assessment. With regard to utilities there are no objections subject to conditions where necessary with regard to policy CSTP13.

XVI. SOCIO ECONOMICS

- 6.299 As part of the planning balance, consideration must be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.
- 6.300 Chapter 15 of the Environmental Statement is focused on the socio-economic effects of the proposed scheme. Only effects pertaining to population and employment are addressed in this section of the report, with other socio-economic effects such as housing, education, health, and open space, dealt with elsewhere within this report.

Population

- 6.301 The baseline data indicates that the Local Impact Area (East Tilbury Ward) comprises a population of 7,309 people - this equates to 4.2% of the total population of Thurrock (175,531 people). The population of the Local Impact Area is relatively young, with 23.6% aged 0 – 14 years and 4.8% aged over 75, making it a younger average age than Thurrock generally. Table 15.9 of the ES estimates the operational phase population yield as 2,017 residents for Scenario 1, or 2,382 residents for scenario 2 (however this is based on the now superseded tenure split of 65% private, 35% affordable housing). Based on the population forecast provided, this equates to between 27.5% & 32.5% population increase within East Tilbury.

Employment

- 6.302 Baseline levels of employment on the agricultural site are described as negligible. If delivered, the proposed scheme could generate 279 direct construction jobs per annum across the estimated construction period of 9 years, irrespective of which development scenario is taken forward. At operational phase, the site is estimated to generate a total of 65 full time employment jobs across the Class E uses (40), primary school (17), plus non-teaching uses (8 – 'ratio used - Iceni assumptions'). At both phases there is also likely to be some indirect employment generated by the development. Overall, the creation of employment during both the construction and operational phases is a minor beneficial effect in EIA terms and can be considered in support of the development.

XVII. CUMULATIVE IMPACT AND ALTERNATIVE SITES

- 6.303 The original list of cumulative schemes set out within the EIA Scoping Request in 2015 was reviewed and amended by the Applicant in Table 2.4 of the Environmental Statement (2022). The list of cumulative schemes and their status when the Updated ES was prepared in 2022, this has since been updated to reflect the current position as set out below:

- 19/01709/FUL Orsett Quarry, Review of Old Mineral Permissions – decision pending
- 19/01373/OUT Land adjacent to wood view and Chadwell Road – permission granted (July 2022)
- 20/01273/FUL Thomas Park School, Chadwell Road, Grays – permission granted (May 2021)
- 20/00242/FUL Tilbury Football Club – permission granted (March 2023)
- 21/01812/FUL Land Adjacent and to the Rear of the George and Dragon East Tilbury, Linford – permission granted (June 2023)
- 18/01404/OUT Thames Enterprise Park – decision pending
- 14/01321/OUT Land adjacent Railway Line, The Manorway and West of Victoria Road Stanford Le Hope Essex – permission granted (December 2015)
- 17/00403/FUL Land to rear of Caldwell Road, Kingsman Road and Adjacent to A1013 Stanford Road, Stanford Le Hope, Essex – permission granted (October 2019)

6.304 Chapter 16 of the 2022 ES concludes that there are not expected to be any cumulative effects during construction or operation of the proposed development, and that no monitoring is deemed necessary.

6.305 As explained in this report, no meaningful alternatives for the proposal were considered. The NTS of the Updated ES (December 2022) says the options considered by the Applicant are:

- Option 1: Do Nothing;
- Option 2: Alternative Site / Site boundaries;
- Option 3: Design Evolution

6.306 There is limited explanation for and no examination of, the three alternative options, indeed the entire section is summarised by the Agent with Option 2 simply saying:

‘No suitable alternative sites have been considered for the Proposed Development. The applicant owns the land and can bring forward the development in a timely manner, helping address a housing need in a sustainable location. A number of environmental constraints and stakeholder engagement has helped guide the design evolution and alternative sites around East Tilbury.’

Conclusion – cumulative impact & alternative sites

6.307 The application has not given due consideration to alternatives sites for the proposal, and therefore does not contain the full extent of ‘information reasonably required for reaching a reasoned conclusion on the significant effects of the

development on the environment’ in EIA terms and therefore this is considered unacceptable.

XVIII. CONSTRUCTION AND PHASING

6.308 Annex 2 of the NPPF (2023) explains that for development to be considered deliverable:

‘sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years...’

6.309 Appendix A1 of the Updates ES (2022) provides a diagrammatic phasing strategy for each development scenario.

Scenario 1 – with Lower Thames Crossing

Phase	Years	Dwelling Numbers	Other development
1	1-2	83	<ul style="list-style-type: none"> • North of railway • 1.8Ha Public Open Space and SUDS • Connect school site • Muckingford Road junction works
2	3-5	225 (accumulative 308)	<ul style="list-style-type: none"> • North of railway • 12.7Ha POS & SUDS • (School) ‘available for build out’ • Haulage – bridge installed by Lower Thames Crossing
3	6-7	203 (accumulative 511)	<ul style="list-style-type: none"> • South of the railway • 2.87Ha POS & SUDS • Public railway bridge • Princess Margaret Road junction works
4	8-9	245 (accumulative 756)	<ul style="list-style-type: none"> • South of the railway • 1.0Ha POS & SUDS • Complete road link
5	9-10	74 (accumulative 830)	<ul style="list-style-type: none"> • South of the railway • 3.6Ha POS & SUDS • Local centre parcels ready for use

Scenario 2 – without Lower Thames Crossing

Phase	Years	Dwelling Numbers	Other development
1	1-2	83	<ul style="list-style-type: none"> • North of railway • 1.8Ha POS & SUDS • Connect school site • Muckingford Road junction works
2	3-5	225 (accumulative 308)	<ul style="list-style-type: none"> • North of railway • 1.0Ha POS & SUDS • School available for build out • Bridge installed by Lower Thames Crossing (error)
3	6-7	203 (accumulative 511)	<ul style="list-style-type: none"> • South of railway • 2.87Ha POS & SUDS • Public - Railway bridge • Princess Margaret Road junction works
4	8-10	245 (accumulative 756)	<ul style="list-style-type: none"> • South of railway • 1Ha POS & SUDS • Complete road link • Local centre parcels ready for use
5	11-12	170 (accumulative 926)	<ul style="list-style-type: none"> • South of railway • 10Ha POS & SUDS
6	13-14	74 dwellings (accumulative 1000)	<ul style="list-style-type: none"> • South of railway • 3.8Ha POS & SUDS

6.310 There are several concerns with the proposed phasing. Firstly, the draft Construction Phasing Programme contains errors:

- both scenarios are labelled to show a 'bridge installed by Lower Thames Crossing', even though this project would not be implemented in scenario 2.
- the bridge is described as being installed by LTC yet the Applicant has included the construction as an abnormal cost in their Financial Viability Appraisal.
- the Transport Statement hasn't modelled use of the proposed overbridge as a haulage route for LTC construction vehicles.

6.311 The Construction Phasing Programme also seems to show:

- no local amenities (local centre parcels) will be operational until at least year 9 or year 8, and possibly delivered as late as year 10.

- The (primary) school is referred to as being 'connected' in years 1 – 2 and 'available for build out' in years 3 – 5 but it does not specify when it will be operational.
- It is not clear whether the junction works to Muckingford Road in the north and Princes Margaret Road in the south will be complete before construction and operation is underway for the nearby phases.
- References to 'complete road link' imply that north – south movements over the new bridge would not be possible until at least year 8.

6.312 The Construction Phasing Programme in the ES differs from the Project Timetable and Phasing contained in the Financial Viability Appraisal (FVA). The Project Timetable and Phasing is prefaced by saying:

'We have adopted the following assumed timings for construction and sales. The timing for individual stages of the Proposed Development in our appraisals are summarised in Table 4.3.9.1. The railway overbridge is delivered by the end of construction of Phase 1, with all other infrastructure apportioned between Phase 1 and the remaining phases'

6.313 Project timetables 4.3.9.1 & 4.3.9.2 in the FVA show Scenario 1 comprising 4 phases from April 2025 to October 2035, and Scenario 2 comprising 5 phases from April 2025 to March 2037. The rate of housing and infrastructure delivery also differs from the Construction Phasing Plan in the ES, Scenario 1, Phase 1 for example, has 449 units and construction of the overbridge.

6.314 With respect to the proposed overbridge, the Heads of Terms from the Applicant differ again, saying it will be delivered by the developer 'Prior to occupation of any properties to the south of the Railway line' i.e., no sooner than year 6.

6.315 There is further uncertainty regarding construction phasing given the Council is not aware of any project delivery partner being engaged.

Conclusion – Construction & Phasing:

6.316 It is considered that construction phasing would start when all requirements such as approval of reserved matters, conditions and any relevant planning obligations. Therefore, the applicant's phasing period for construction reduces the number of dwellings that would be delivered within a 5 years period from the date of the consent of an outline planning permission and therefore limiting its effectiveness to helping the Council's five year housing land supply position.

XIX. VIABILITY AND PLANNING OBLIGATIONS

- 6.317 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contributes to and delivers strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.318 Certain Core Strategy policies identify requirements for planning obligations, and this depends upon the type of development proposed and consultation responses from the application process.
- 6.319 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development
- 6.320 Through the consultation process to this application and following table summaries the contributions required by consultees as planning obligations:

	Scenario 1 830 Units	Scenario 2 1000 Units
Education – based on a response with 35% AH and from June 2024	Nursery – £706,980.72 Primary – £5,100,364.82 but prefer applicant to deliver primary school Secondary – £3,724,747.72 Secondary Transport Contribution Total £9,532,093.27	Nursery – £851,545.41 Primary – £6,143,296.57 but prefer applicant to deliver primary school Secondary – £4,486,390.81 Secondary Transport Contribution Total £11,481,232.78
Housing – Affordable Housing	35%	35%
NHS Healthcare	£428,700	£516,800
Essex RAMs based on April 24 tariff of £163.86	£136,004	£163,860
Outdoor Sports Provision as per Sport England Requirements	Either for outdoor sports provision to be provided on the site subject to application planning	Either for outdoor sports provision to be provided on the site subject to application planning application ref

	<p>application ref 24/00058/FUL, or for 1.8 hectares of land within the site to be reserved for this purpose, or an off site financial contribution.</p> <p>For other sports provision, Sport England require a financial contribution towards the demand for a sports hall of £512,841 and swimming pool projects of £565,735.</p>	<p>24/00058/FUL, or for 1.8 hectares of land within the site to be reserved for this purpose, or an off site financial contribution.</p> <p>For other sports provision, Sport England require a financial contribution towards the demand for a sports hall of £512,841 and swimming pool projects of £565,735</p>
Monitoring costs	£10,000	£10,000

6.321 The table below is the applicant’s offer of contributions, which is different those identified as the applicant’s table was provided slightly earlier in the application process after earlier rounds of consultation.

	Scenario 1 830 Units	Scenario 2 1000 Units
Education	<p>Nursery - £679,251 Primary – £4,823,730 Secondary – £3,556,184 Secondary Transport Contribution?</p> <p>Delivery of a primary school £10,422,381 instead of a primary £ contribution</p>	<p>Nursery - £839,826 Primary – £5,810,095 Secondary – £4,283,258 Secondary Transport Contribution?</p> <p>Delivery of a primary school £10,422,381 instead of a primary £ contribution</p>
Housing – Affordable Housing	15% based on viability at 449 dwellings trigger	27% based on viability – 7% in first 556 then 54% in remaining 434 dwellings
NHS	£428,700	£516,800
Sport England	<p>New playing pitches next to primary school totalling 3.8 ha Outdoor sports - £154,063 Outdoor sports changing rooms</p>	<p>New playing pitches next to primary school totalling 3.8 ha Outdoor sports - £185,618 Outdoor sports changing rooms £551,567 Indoor sports hall £551,567 Indoor swimming pools</p>

	£139,199 Indoor sports hall £414,605 Indoor swimming pools £457,800 Indoor bowls £9,897	£499,524 Indoor bowls £11,924
Travel Planning	£1,245,000 based on £1,500 per dwelling	£1,500,000 based on £1,500 per dwelling
NE RAMs Home information pack Open space and SANG	£136,003.80	£163,860
On site Play MuGA Allotments Childrens play	0.16ha – 32 allotment plots 4 on site to be provided	0.54 ha – 86 allotment plots 5 on site to be provided
Delivery of the Infrastructure Bridge	To be provided by the developer	To be provided by the developer
Monitoring costs	£5,000	£5,000

6.322 The above table reflects the s106 offer put forward by the applicants in March 2024 and was submitted shortly before the applicant decided to go through a viability process with their viability statement received on 2 April 2024 shortly before the appeal was lodged on 19 April 2024.

6.323 The viability statement from the applicant was independently reviewed and a response received in May 2024. The applicant’s viability work means that the application is now proposing a reduced level of affordable housing compared to the original submission. Scenario 1 is now proposing 15% affordable housing from Phases 2 onwards and Scenario 2 is proposing 27% affordable housing mainly from Phases 3 onwards with 41 units being provided in Phases 1 and 2.

6.324 The implications of changes to the affordable housing provision affects the education contributions. The Council’s Education Officer has re-run the education assessment based on the applicant’s viability assessment and the following is identified based on % of affordable housing as stated below:

Applicant’s Viability Work		
	15% affordable	27% affordable

	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery - £639,377.95 Primary – £4,594,543.52 Secondary – £3,355,351.25	Nursery - £818,974.88 Primary – £5,899,595.55 Secondary – £4,308,418.28

6.325 The independent viability review has then advised differently identifying that Scenario 1 can achieve 23% affordable housing with some affordable housing from Phase 1 onwards, and for Scenario 2 a policy compliant level of 35% affordable housing can be achieved from Phase 1 onwards. It is this level of affordable housing that the applicant would need to agree to as this is the advice to the Council by an independent viability consultant. This would be necessary to take into account present uncertainties, in particular, whether NH have or will provide the overbridge.

6.326 For education contributions the Council’s Education Officer has re-run the education assessment based on the independent viability consultant’s work and the following is identified based on % of affordable housing as stated below:

Independent Viability Work		
	23% affordable	35% affordable
	Scenario 1 830 Units	Scenario 2 1000 Units
Education	Nursery - £666,419.06 Primary – £4,796,872.04 Secondary – £3,503,109.84 Secondary Transport Contribution?	Nursery - £851,545.41 Primary – £6,143,296.57 Secondary – £4,486,390,81 Secondary Transport Contribution?

6.327 The independent viability consultant has also advised that viability review mechanisms are included in any future s106 agreement. The review mechanism should be carried if the scheme has not reached slab level on 20 plots within two years of consent being granted.

6.328 The scenario 1 viability appraisal costs plan includes the cost of building the bridge over the railway, but this scenario is based on the Lower Thames Crossing being delivered. It is understood that there is a need for a bridge over the railway to allow for access for the construction of the Lower Thames Crossing, however, this needs further investigation work before the application is considered by the Inspector for the appeal.

6.329 As the application is recommended for refusal and is subject to an appeal the planning obligations shall need to be finalised through the planning appeal process.

The planning obligations shall need to comply with the requirements of policy PMD16 and paragraph 56 of the NPPF as they are necessary, directly related to the development and fair and reasonable related in scale and kind to the development. In the absence of a formal undertaking to secure appropriate contributions through a s106 legal agreement the development is currently not mitigating the impacts of the development upon local infrastructure.

Conclusion: viability & planning obligations

- 6.330 On the basis that insufficient planning obligations are being offered that are necessary to make the development acceptable in planning terms, the application does not meet the requirements of Paragraph 56 of the NPPF.

IV. ENVIRONMENTAL STATEMENT REVIEW

- 6.331 Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provides descriptions of development and applicable thresholds where submission of an Environmental Impact Assessment (EIA) is required. The proposal falls within category 10: Infrastructure projects (urban development projects), (ii) more than 150 dwellings. The 2011 EIA legislation in place when the application was submitted, also categorised urban development projects over 0.5 Hectares as a Schedule 2 projects, requiring completion of an Environmental Statement.
- 6.332 The Environmental Statement:
- 6.333 On 2 October 2015 the Agent submitted a request for an EIA Scoping Opinion to TC, identifying the key potential environmental effects (for both construction and operational phases). TC responded with an EIA Scoping Opinion on 09 November 2015 (reference 15/01189/SCO). The application submitted on 07 September 2016 was supported by an Environmental Statement by Icen, this was superseded by an Updated Environmental Statement in December 2022.
- 6.334 A letter from the Agent to TC dated 26 January 2024 (reference 21/241) explains the history of documentation for the Environmental Statement:

‘As part of the outline planning application (Ref. 16/01232/OUT), an Environmental Statement (‘ES’) (2016) was prepared that assessed the potential for any significant environmental effects. Following changes to the proposed development in 2022, an Updated ES (dated December 2022) was submitted to the local authority that superseded the ES (2016). This accounted for the design changes, updated the baseline conditions and assessment work, considered consultation responses received on the

application and accounted for the submission of the LTC.

In September 2023, an ES Addendum (dated September 2023) was submitted to the local authority to account for scheme amendments, updates to baseline assessments and any arising updates to the assessment work. This document supplemented the Updated ES (December 2022). Following the amendments to the scheme as described in this letter, the technical teams have considered the changes against their assessment work in the Updated ES (December 2022) and ES Addendum (September 2023) for any potential changes to their considerations of likely significant effects.'

6.335 The table in the letter listed the design amendments, concluding that:

'Given the above conclusions for each topic area, no additional residual or cumulative effects are anticipated beyond those identified in the Updated ES (December 2022) and ES Addendum (September 2023).'

6.336 The Environmental Impact Assessment legislation (2011) defines an Environmental Statement as meaning a statement—

- (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) that includes at least the information referred to in Part 2 of Schedule 4

6.337 For the reasons set out in the following table, the ES is not considered to meet the requirements of Schedule 4, Part 1 and therefore does not contain the full extent of 'information reasonably required to assess the environmental effects of the development'.

EIA Legislative reference	Information not included
Schedule 4, Part 1, 4).	<p>The ES finds the scheme would have residual significant adverse effects for:</p> <ul style="list-style-type: none"> - landscape and visual impact (construction phase only); - Noise & vibration (construction phase only); and - Agricultural Land Quality (construction only). <p>With the evidence available, it is considered that the following topics could also result in significantly adverse / harmful effects and should therefore have</p>

	<p>been included in the description of likely significant effects:</p> <ul style="list-style-type: none"> - Transport (construction & operational phases); - Ecology & Biodiversity (operational phase, on the basis insufficient contributions or obligations have been offered to mitigate the effects); - Built Heritage (construction & operational phase); - Noise & Vibration (operational phase); and - Flood Risk & Drainage (operational phase, if mitigation measures are not secured including for emergency refuge).
<p>Schedule 4, Part 1, 2). and Schedule 4 Part 2, 4).</p>	<p>The NTS of the Updated ES (December 2022) says the options considered by the Applicant are:</p> <ul style="list-style-type: none"> - Option 1: Do Nothing; - Option 2: Alternative Site / Site boundaries; - Option 3: Design Evolution <p>There is limited explanation and examination of, the three alternative options and their environmental effects, with Option 2 simply saying for example: 'No suitable alternative sites have been considered for the Proposed Development. The applicant owns the land and can bring forward the development in a timely manner, helping address a housing need in a sustainable location. A number of environmental constraints and stakeholder engagement has helped guide the design evolution and alternative sites around East Tilbury.'</p>
<p>Schedule 4 Part 2 (3)</p>	<p>The data required to assess the main effects is not considered satisfactory, particularly in relation to the baseline impacts of the EMR metals recycling facility adjacent to the site.</p>

Regulation 22:

6.338 Under the EIA Regulations, where an ES is deemed not to be complete. Following amended plans and supplementary information being submitted by the Agent in

January and February 2024, the Council reconsulted on the application and was in the process of assessing the various documentation, when on 16 April they were advised by the Agent that an appeal against non-determination had been submitted to the Planning Inspectorate before the consultation period was due to expire. As a result of the appeal, the Council has not had the opportunity to request further information as required under Schedule 4 Part 1.

V. SUSTAINABILITY

- 6.339 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.
- 6.340 For the economic role, the proposal would create direct employment opportunities for 279 full time construction phase jobs, and 65 full time operational phase jobs. When the development is occupied, new residents would provide household spending within the local economy and the wider Thurrock area. The dwellings would provide an opportunity for local people to live and work in East Tilbury and Thurrock more widely.
- 6.341 For the social role, a school, open space and playing fields are proposed, though there is ambiguity around how this social infrastructure (that is necessary for the development to be acceptable in planning terms) will be funded, secured, delivered, operated and maintained.
- 6.342 For the environmental role, the Applicant needs to demonstrate how the proposal protects and enhances the natural, built, and historic environment, makes effective use of land, improves biodiversity, uses natural resources prudently, minimises waste and pollution, and is mitigating and adapting to climate change, including moving to a low carbon economy.

Conclusion: Sustainable Development:

- 6.343 Building upon the above, the proposal is not considered to meet the tests of paragraph 8 of the NPPF and therefore is not a sustainable form of development.

VI. OTHER MATTERS

Crime prevention:

- 6.344 Paragraph 96 of the NPPF requires that planning decisions aim to achieve healthy, inclusive and safe places and buildings which (b) 'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

6.345 The consultation response dated 15 March 2023 from the Essex Police’s Strategic Planning Team and the consultation response dated 12 April 2023 from the Essex Police’s Strategic Designing Out Crime Manager, made observations regarding road safety, secure by design principles, natural surveillance; landscaping; lighting; and embedding security in a design code. There is an opportunity to address the matters raised by Essex Police at the stage of reserved matters.

1.13 CONCLUSION

1.14 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are considerations which clearly outweigh harm such that the VSC to justify a departure from normal policy exist. The proposals are ‘*inappropriate development*’ in the GB, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Other harm has also been identified as discussed in this report. Although positive weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF para. 153 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. In this case it is concluded that the identified Green Belt harm and any other harm (summarised below) are not clearly outweighed by other considerations and therefore a case for VSC does not exist.

7.2 A brief summary of the weight which has been placed on the various Green Belt considerations is provided in the tables below:

Summary of Green Belt harm and the weight afforded to claims of Very Special Circumstances

Green Belt Harm	Weight	Factors promoted by the applicant in favour of development	Weight
Inappropriate development in the GB	<i>Substantial</i>	<i>Provision of a new Vehicular and Pedestrian Access across the London - Southend Railway Line</i>	Significant weight

Reduction of the openness of the GB	<i>Substantial</i>	<i>Positively responding to the lack of 5-year housing land supply</i>	Significant weight
Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes a, c and e.	Substantial	<i>Delivery of affordable housing</i>	Limited weight
		<i>Provision of a new Primary School</i>	Moderate weight
		<i>Thurrock is a National Growth Area and has Freeport Status</i>	No material weight

Summary of other harms	
Harm	Weight
Loss of agricultural land that is scored as ‘very good’ Agricultural Land Classification map for the Eastern Region without justification to meet the requirements of policy CSTP21.	Significant
Insufficient information regarding the proposed bridge, its delivery and lack of any information on agreements with Network Rail to ensure it is delivered.	Significant
Insufficient information submitted to fully assess the proposal’s traffic impact upon the local and wider highway road network including junction assessments and modelling.	Significant
Insufficient information regarding the provision of a 2 form entry school and how that would be provided, and how secondary school transport provision would be secured.	Significant
Lack of undertaking to secure affordable housing and appropriate contributions towards affordable housing provision, education provision, healthcare provision, the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), open space/amenity/recreation and sports provision, travel planning and highway provision to mitigate the development’s impact upon local infrastructure. Also issues with the viability assessment of the development.	Significant

<p>The Environmental Statement does not meet the requirements of Part 5, Regulation 18, (4) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.</p>	<p>Significant</p>
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7.3 Based on all the harms identified in the two tables above the application is considered unacceptable. The factors in favour of the development taken together do not clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and the other harm identified.

1.15 RECOMMENDATION

1.16 That Members agree to the recommendation that if it wasn't for the appeal against non-determination that the application would have been to Refuse Planning Permission for the reasons stated below:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. The proposals would also be contrary to purposes a), c), d) and e) of the five Green Belt purposes, as set out by Paragraph 143 of the NPPF. The identified harm to the Green Belt and other harm identified is not clearly outweighed by other considerations to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to the NPPF/PPG and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
2. The Agricultural Land Classification map for the Eastern Region scores the land within the site 'very good' for agricultural purposes. The applicant has not demonstrated that there are suitable sites for residential development in an area of poorer agricultural quality, nor have they demonstrated that alternative sites are unfeasible owing to ecological, heritage or flood constraints to comply with policy CSTP21 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and would be contrary to paragraph 180 of the NPPF.
3. Insufficient information has been submitted with the application to demonstrate that access within the site is acceptable with regard to the

proposed bridge and there is insufficient information as to whether the proposed bridge across the railway line providing access for all highway users to the north and south land parcels within the site is deliverable. Despite requests for information no detailed information in the form of detailed plans for the bridge has been provided and no detailed information has been provided to demonstrate what agreements are in place with Network Rail for providing the bridge across the railway. As such this would be unacceptable in highway terms and contrary to policies CSTP15, PMD2 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and the relevant parts of the NPPF and PPG.

4. Insufficient information has been provided to fully assess the impact upon the local highway network and the wider Main Road Network (MRN). In particular there is no information on the impact of the development upon a number of junctions and the level crossing if the development were to come forward in phases without the bridge being in place at the beginning of the development, as well as design criteria for the bridge. Consequently, this lack of information means that it hasn't been demonstrated that the proposal would not have a severe impact upon the highway, which would be contrary to paragraph 115 of the NPPF and policies CSTP15, PMD2 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
5. Insufficient information has been submitted to demonstrate how a 2-form entry primary school will be delivered at the site at an acceptable time and there is no agreement with the Council's Education team on the delivery of the primary school. In the absence of this information the proposed development would not mitigate the impact upon existing educational infrastructure in this location with the existing local primary school at full capacity. Insufficient information has been submitted to demonstrate how secondary school aged children would be transported in a sustainable way. The application is therefore unacceptable and contrary to the NPPF and policy CSTP12 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and the NPPF.
6. The proposed development and in particular the proposed area for housing as shown on the Parameter Plans towards the site's southern boundary would be within close proximity of an existing noise generating uses that would lead to future noise and disturbance issues for future residential occupiers of housing within the site. Based on the information as it currently stands this could also give rise to the need for future restrictions to be put on the existing business. As such the proposal is contrary to the paragraphs 191 and 193 of

the NPPF, the guidance on noise in the PPG and is contrary to policy PMD1 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

7. The submission does not include a formal undertaking to secure appropriate contributions through a s106 legal agreement to secure affordable housing provision, education provision, healthcare provision, the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), open space/amenity/recreation and sports provision, travel planning and highway provision to mitigate the impacts of the development. Furthermore, the independent viability review assessment identifies that more affordable housing can be provided than that offered by the applicant. The application is therefore unacceptable and contrary to the NPPF and policies CSTP2, CSTP11, CSTP12, CSTP19, PMD7, PMD10 and PMD16 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and the NPPF.
8. The Environmental Statement does not contain the full extent of information reasonably required to assess the environmental effects of the development and is not considered to meet the requirements of Schedule 4 Parts 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Informative:

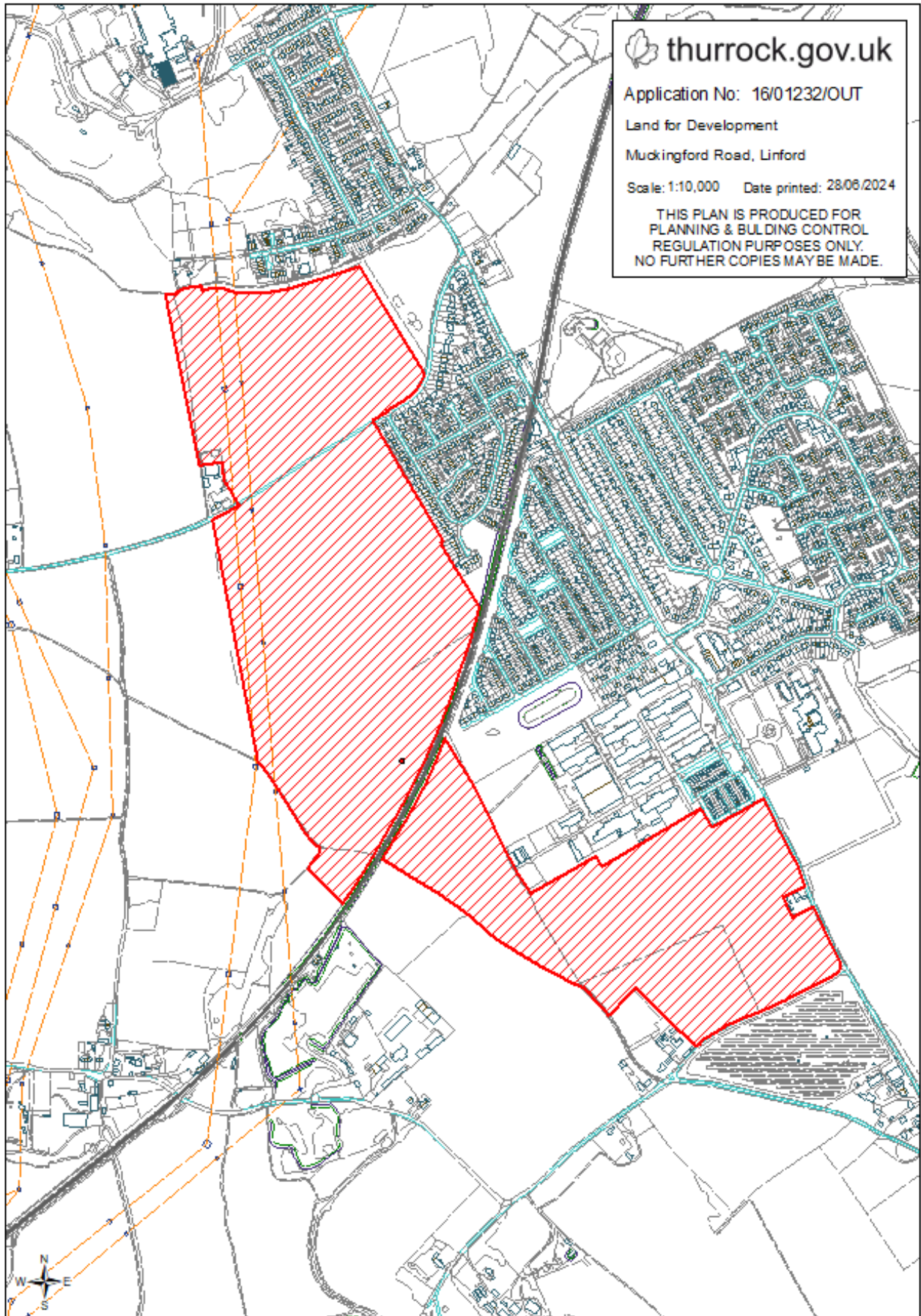
The Council notes the consultation response of National Gas Transmission and the Health and Safety Executive and as matters currently stand more information is need on these issues. Whilst this matter does not form part of a reason of refusal it is something that requires further consideration.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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>



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