

Thurrock: A place of opportunity, enterprise and excellence, where
individuals, communities and businesses flourish

Planning, Transport, Regeneration Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **16 January 2018**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Barbara Rice (Chair), John Allen (Vice-Chair), Oliver Gerrish, Tom Kelly, Terry Piccolo and Peter Smith

Substitutes:

Councillors Tim Aker, Gary Collins, Clifford Holloway, David Potter, Joycelyn Redsell and Gerard Rice

Agenda

Open to Public and Press

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1. Apologies for Absence	
2. Minutes	5 - 10
To approve as a correct record the minutes of the Planning, Transport, Regeneration Overview and Scrutiny Committee meeting held on 14 November 2017.	
3. Items of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4. Declaration of Interests	
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Members will receive a verbal update.

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Queries regarding this Agenda or notification of apologies:

Please contact Charlotte Raper, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **8 January 2018**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Planning, Transport, Regeneration Overview and Scrutiny Committee held on 14 November 2017 at 7.00 pm

Present: Councillors Barbara Rice (Chair), John Allen (Vice-Chair), Tom Kelly and Gerard Rice (Substitute) (substitute for Oliver Gerrish)

Apologies: Councillors Oliver Gerrish, Terry Piccolo and Peter Smith

In attendance: Steve Cox, Corporate Director of Place
Andrew Millard, Assistant Director Planning & Growth
Matthew Brown, Regeneration Programme Manager
Jacqueline North, Senior Project Officer
Fred Raphael, Transport Development Manager
Stephen Taylor, Programmes and Projects Manager
Natalie Warren, Community Development and Equalities Manager
Charlotte Raper, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

15. Minutes

The minutes of the Planning, Transport, Regeneration Overview and Scrutiny Committee meeting held on 12 September 2017 were approved as a correct record.

16. Items of Urgent Business

There were no items of urgent business.

17. Declaration of Interests

There were no declarations of interests.

18. Fees & Charges Pricing Strategy 2018/19

The Corporate Director of Place introduced the report which specifically outlined the charges within the remit of the Planning, Transport, Regeneration Overview and Scrutiny Committee, which would take effect from 1 April 2018. Members were advised that the full list of proposed charges could be found within the appendices to the report.

The Chair advised the Committee that she had sought clarification from officers, prior to the meeting, regarding the pricing for skip licences. She had

assumed it would impact upon residential use but was assured that the new charge would only affect skip businesses. The Chair noted that the majority of fees and charges were proposed to remain the same with a few slight increases, which overall she considered to be very fair.

RESOLVED:

- 1. That Planning, Transport and Regeneration Overview and Scrutiny Committee note the revised fees, including those no longer applicable, and the Planning, Transport and Regeneration Overview and Scrutiny Committee comment on the proposals currently being considered within the remit of this Committee.**
- 2. That Planning, Transport and Regeneration Overview and Scrutiny Committee note that director delegated authority will be sought via Cabinet to allow Fees & Charges to be varied within a financial year in response to legal, regulatory or commercial requirements.**

19. Aveley Community Hub Business Report and New Build

The Programmes and Projects Manager introduced the report which updated the Committee on the project. Members were asked to present their views on the new building and the business plan and support a request to Cabinet for approval to procure a building contractor for the scheme. The Community Development and Equalities Manager highlighted the exciting opportunity to see the first purpose-built Community Hub in Thurrock.

The Chair stated that the project was fantastic. There was a slight concern around the moneys for the first few years however she felt the Aveley community was very deserving and had been lacking in facilities for some time. She stressed the importance of ensuring the community was engaged and their requests met through the consultation process. Aveley was one of the areas of deprivation and health inequality within the borough and therefore the project should seek to look after public health as much as possible through the services and activities provided, even down to thoughtful, healthy choices within the café.

Councillor Kelly echoed the Chair's support for the project and recalled how the Planning Committee had welcomed the scheme when the application was considered. He was pleased to see the project was moving forward.

RESOLVED:

That the Planning, Transport, Regeneration Overview and Scrutiny Committee note the progress made with the proposals for the Aveley Community Hub and review and comment on:

- 1. a) the business plan for the Aveley Community Hub;
b) the proposals for the building;**

c) the proposal to combine phases of the build programme to develop the whole hub using a combination of S106 funds held by the Council and additional capital funding from the Community Hubs capital programme;

- 2. To support a report to Cabinet seeking approval to procure a building contractor.**

20. Coalhouse Fort Conservation Management Plan

The Regeneration Programme Manager presented the report which review the progress already made in developing and consulting on the Conservation Management Plan and outlined the actions to follow once the Conservation Management Plan was adopted by the Council.

The Chair welcomed anything to preserve, conserve and develop the two forts within the borough, highlighting that Coalhouse Fort had been neglected for some time. The Conservation Management Plan should take on board opportunities for uses and functions, especially engaging school children. The fort provided living history and this would be a chance for it to be revitalised. It was true that generally Tilbury and East Tilbury were not associated with their forts when they should have status which could provide sources of income and national acclaim.

Councillor G. Rice agreed that the project should be welcomed as Coalhouse Fort was a treasure in Thurrock and it would be useful to have it fully open to members of the Public. He was interested to see the proposals as they emerged as heritage was of great importance to the borough.

The Vice-Chair echoed the views expressed. Coalhouse Fort was of great historical significance and he welcomed the proposals as, despite the poor condition in some areas, the fort had stood the test of time. He was keen to get the ball rolling and get East Tilbury put on the map.

The Chair reiterated the need to engage children, and continued that through children parents would be involved which would attract people for fund raising opportunities.

RESOLVED:

That Planning, Transport, Regeneration Overview and Scrutiny Committee comment on the suite of policies and principles in the Conservation Management Plan for Coalhouse Fort presented at 3.1 in the report.

21. Update: Winter Maintenance / Routine Gully Cleansing

The Chair advised that this was a briefing note, as requested by Members, and a full report would be added to the work programme for a later meeting.

Councillor G. Rice highlighted the A1306 and the fact that a number of gullies had grass growing from them; the maintenance was therefore evidently not effective. He felt there should be a system to deal with such issues to prevent motorists aquaplaning which would be dangerous and could lead to Thurrock Council being considered liable. The Corporate Director of Place advised that inspectors had been undertaking a review since September, as outlined within the report, and the outcome could be expected in January. A report to the Committee would follow.

The Vice-Chair noted that there were approximately 26,000 gullies along the borough's highways and asked whether all were the responsibility of the Council to maintain. He requested data around how many had been identified as requiring further investigation, given the number of gullies filled with mud and growing foliage. He also questioned how many were cleaned per working day and whether the 2-man team was set a daily target. The Corporate Director of Place advised that some gullies were located along roads which fell within the responsibility of Highways England but a breakdown would be provided, along with the other information requested, outside of the meeting.

22. Thurrock Intelligent Transport Systems (ITS) Strategy

The Assistant Director of Planning and Growth presented the report which

Councillor G. Rice welcomed the Strategy and questioned how funding was progressing for east-facing slip roads into Lakeside to prevent the local network being clogged with Lakeside Traffic. The Assistant Director of Planning and Growth advised there was a whole raft of solutions to be developed within the Local Plan which would allow for the Infrastructure Strategy and funding bids. The slip roads in question would certainly form a part of the process.

The Vice-Chair echoed the need for the slip roads to divert shopping traffic from the local area. He stressed the need to ensure plans for the additional 30,000 homes required in the borough were done correctly as the congestion problems could be exacerbated otherwise. He urged Officers to look at congestion planning for the future as part of locating these sites. The Assistant Director of Planning and Growth outlined that the Infrastructure and delivery plans sought to manage and facilitate growth in an effective way. Moving forward it was not simply a question of hardware but also technology systems which would allow traffic to be managed and redirected where necessary.

The Chair stressed that transport should also consider pedestrians, cyclists and similar, not merely motorists. There was a high rate of asthma and Chronic Obstructive Pulmonary Disease (COPD) in the borough and warnings should be considered as a way to inform a wider audience regarding air quality issues. She asked whether there was technology available which could monitor areas of high pollution and display warnings. The Transport Development Manager confirmed that he envisaged connecting the system

with air quality monitoring and using it to advise motorists. There was a five-year plan. The first phase would look at the road network but the next phase would be for public transport systems and working to divert motorists from highly polluted areas to mitigate the impact on air quality.

The Chair highlighted that the number of cases of early COPD was growing and the situation would only get worse as more vehicles would lead to more pollution which would in turn result in more cases of COPD. The Strategy should manage traffic and its impact on people's lives and she would like to see more work around public health, not simply vehicles and congestion.

The Vice-Chair echoed the Chair's sentiments and stressed that air quality should always be paramount. He continued to highlight the potential threat posed by the proposed Lower Thames Crossing with an additional 60,000 vehicles passing through the borough and their impact on local air quality. He felt there could be no higher priority than the health and wellbeing of Thurrock residents.

Councillor G. Rice referred to section 3.1 of the appendix whereby:

During a recent Lower Thames Crossing Q&A session, Ian Wake (Director of Public Health, Thurrock Council) highlighted Thurrock's death rate for cardiovascular disease and respiratory disease when compared to 15 most similar councils with similar population, Thurrock ended up being ranked the worst.

He stressed that this was a bad start and asked how discussions with Highways England regarding tunnelling near major populations were progressing, to prevent impact upon air quality and noise pollution from the proposed crossing. He continued that Residents often asked what was being done to safeguard their communities. The Chair noted that, while the threat of the impact of such a huge change to the borough was always on the minds of both Councillors and residents, the Lower Thames Crossing Task Force would be sure to discuss all of those points. The Corporate Director of Place assured the Committee that there would be a meeting of the Task Force on Monday discussing both updates to the scheme and the consultation process and the Council's proposed response to the Environmental Impact Assessment (EIA) Scoping Report. This response would outline areas of concerns and whether they were being adequately addressed as well as clearly outlining the Council's expectations. Mitigations as a result of the EIA would lead to solutions.

Councillor Kelly reminded officers of the importance of the slip roads to divert lakeside traffic, and if there were to be a 'shopping list' they should be a priority.

RESOLVED:

That the Planning, Transport, Regeneration Overview and Scrutiny Committee considers the Intelligent Transport Systems Strategy and provide comments for the final document for final submission and adoption at January 2018 Cabinet.

23. Work Programme

The Committee discussed the work programme and the following additions were made:

- A standing item to provide an update on the work of the Lower Thames Crossing Task Force, within the remit of the Planning, Transport, Regeneration Overview and Scrutiny Committee.
- An update on the Local Plan to be presented at the January 2018 meeting.
- A full report regarding gullies to be presented at the March 2018 meeting.

The meeting finished at 7.45 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

16 January 2018		ITEM: 5
Planning, Transport, Regeneration Overview and Scrutiny Committee		
Planning Fees		
Wards and communities affected: All		Key Decision: Non-Key
Report of: Andrew Millard, Assistant Director, Planning, Transport and Public Protection		
Accountable Assistant Director: Andrew Millard, Assistant Director, Planning, Transport and Public Protection		
Accountable Director: Steve Cox, Corporate Director of Place		
This report is Public		

Executive Summary

This report follows that made to the 14th November meeting which set out the full set of fees and charges in relation to services within the remit of this Overview and Scrutiny Committee.

On 20th December, regulations to allow Local Planning Authorities to raise their fees by 20% were introduced by the Government. As a result, the Council can start applying that increase on any date from 17th January 2018.

Further Director delegated authority will be sought via Cabinet in February to allow Planning fees to be varied within financial year in response to any further legal or regulatory requirements.

The full list of the changes to Planning fees is detailed in Appendix 1 to this report.

1. Recommendation(s)

- 1.1 That the Planning, Transport, Regeneration Overview and Scrutiny Committee note the revised Planning fees and comment on the proposal to implement, subject to Cabinet approval, with effect from 12th February 2018
- 1.2 That the Planning, Transport, Regeneration Overview and Scrutiny Committee note that Director delegated authority will be sought via Cabinet in February to allow Planning fees to be varied within a financial year in response to any further regulatory changes in consultation with

the Portfolio Holder.

2. Background

- 2.1 Planning application fees are set nationally and have not been increased since 2014.
- 2.2 In the 2017 Housing White Paper (published on 7th February 2017), the Government set out its intention to allow Local Planning Authorities to increase their fees by 20%. On 21st February 2017, the Government also wrote to all Councils to directly express those intentions, inviting them to confirm that they would in principle commit to that fee increase, subject to those resources being used to boost the capacity of its Planning Service. It is understood that every Council in the country agreed in principle to those propositions.
- 2.3 The regulations to allow that to happen were approved on 20th December 2017 and the Council could therefore raise its fees by 20% from 17th January 2018. However the Council proposes to implement the new increased charges from 12th February 2018.

3. Context

- 3.1 The Housing White Paper (titled 'Fixing our broken housing market') sets out the background to the national housing crisis and proposed a broad range of reforms that the Government intends to introduce in order to boost the supply of new homes.
- 3.2 As part of this package of measures, in paragraph 2.13 of the White Paper it is highlighted that developers have consistently advised Government that the lack of capacity in Planning departments is restricting their ability to get on site and build. In addition, the White Paper recognises that Local Planning Authorities have difficulties in recruiting and retaining Planners and those with supporting specialist skills. These are the key reasons that underpin the Government's decision for this fee increase.
- 3.3 However, the Government is clear that this additional resource must be used for its intended purpose and that there will be audits to demonstrate how the funding has been used to strengthen Planning departments.
- 3.4 Members will appreciate that the Planning agenda in Thurrock is one of the biggest and most complex in the country. Consequently, it is even more critical that the Council has the necessary capacity, skills and experience to deliver this agenda. In addition, Thurrock's location on the edge of London exposes the Council to the strongest public and private sector market for Planners in the country. It is not considered that the fee increase will deter growth in Thurrock. To the contrary, the evidence is that having the resources in place to continue to deliver a top class Planning Service is an attractor of investment.

- 3.5 The White Paper also refers to a further potential rise in fees in the future (linked specifically to housing delivery). This will first be subject to consultation, the timing of which has not yet been set.

4. Reasons for recommendations

- 4.1 The raising of Planning fees in line with the national changes will enable the Council to generate essential income for the funding of the Planning Service, to support the retention and recruitment of Planners and related specialists. As a result, it will help to ensure the on-going provision of a high quality Planning Service for residents, developers, business, industry and all other stakeholders involved in the Planning process.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The proposals have been discussed with the local Planning Agents Panel who are supportive of the fee increase provided that Planning resources are boosted.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The changes in Planning fees will enable the Planning Service to effectively contribute to the delivery of Council priorities, including encouraging and promoting job creation and economic prosperity and protecting our green environment.

7. Implications

7.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager

The additional income will be generated from the fee increases has to be reinvested in the Planning Service (for the reasons set out in the report). It is anticipated that the annual increase in fees will be circa £180,000

7.2 Legal

Implications verified by: **Neil Weeks**
Planning and Highways Lawyer

There are no legal implications associated with raising Planning fees in line with national legislative changes.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Community Development Officer

It is not considered that there are any equality or diversity implications associated with implementing this national change to Planning fees.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. **Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):**

- None

9. **Appendices to the report**

- Appendix 1 – Schedule of Planning fees with effect from 12th February 2018

Report Author:

Andy Millard

Assistant Director

Planning, Transport and Public Protection

Appendix 1

	Current	New
All outline applications		
Sites not more than 2.5 hectares	£385 per 0.1 hectare	£462 per 0.1 hectare
Sites more than 2.5 hectares	£9,527 + £115 per 0.1 hectare, up to a maximum of £125,000	£11,432 + £138 per 0.1 hectare, up to a maximum of £150,000
Householder applications		
Alterations or extensions to a single dwelling, excluding flats, including works within the boundary	£172	£206
Full applications and first submissions of reserved matters		
Alterations or extensions to two or more dwellings, or one or more flats, including works within boundaries	£339	£407
New dwellings, up to a maximum of 50	£385 per dwelling	£462 per dwelling
New dwellings, for more than 50	£19,049 + £115 per additional dwelling in excess of 50, up to a maximum of £250,000	£22,859 + £138 per additional dwelling in excess of 50, up to a maximum of £300,000
Erection of buildings, excluding dwellings, agricultural, glasshouses, plant, machinery		
No increase in gross floor space, or an increase of no more than 40 square metres	£195	£234
An increase of floor space more than 40 square metres, but not more than 75 square metres	£385	£462
An increase of floor space more than 75 square metres, but not more than 3,750 square metres	£385 for each 75 square metres, or part thereof	£462 for each 75 square metres, or part thereof
An increase of floor space more than 3,750 square metres	£19,049 + £115 for each additional 75 square metres, or part thereof, in excess of 3,750 square metres, up to a maximum of £250,000	£22,859 + £138 for each additional 75 square metres, or part thereof, in excess of 3,750 square metres, up to a maximum of £300,000

Erection of buildings on land used for agriculture		
No site area of no more than 465 square metres	£80	£96
A site area of more than 465 square metres, but not more than 540 square metres	£385	£462
A site area of more than 540 square metres, but not more than 4,215 square metres	£385 for the first 540 square metres + £385 for each additional 540 square metres, or part thereof, in excess of 540 square metres	£462 for the first 540 square metres + £462 for each additional 540 square metres, or part thereof, in excess of 540 square metres
A site area of more than 4,215 square metres	£19,049 + £115 for each additional 75 square metres, or part thereof, in excess of 75 square metres, up to a maximum of £250,000	£22,858 + £138 for each additional 75 square metres, or part thereof, in excess of 75 square metres, up to a maximum of £300,000
Erection of glasshouses on land used for agriculture		
A site area of not more than 5 hectares	£385 for each 0.1 hectare, or part thereof	£462 for each 0.1 hectare, or part thereof
A site area of more than 5 hectares	£19,049 + additional £115 for each 0.1 hectare, or part thereof, in excess of 5 hectares, up to a maximum of £250,000	£22,858 + additional £138 for each 0.1 hectare, or part thereof, in excess of 5 hectares, up to a maximum of £300,000
Applications other than building works		
Car parks, service roads or other accesses, for existing uses	£195	£234
Waste, use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals		
A site area of not more than 15 hectares	£195 for each 0.1 hectare, or part thereof	£234 for each 0.1 hectare, or part thereof
A site area of more than 15 hectares	£29,112 + additional £115 for each 0.1 hectare, or part thereof, in excess of 15 hectares, up to a maximum of £65,000	£34,934 + additional £138 for each 0.1 hectare, or part thereof, in excess of 15 hectares, up to a maximum of £78,000

Other operations, winning and working of minerals		
A site area of not more than 15 hectares	£195 for each 0.1 hectare, or part thereof	£234 for each 0.1 hectare, or part thereof
A site area of more than 15 hectares	£29,112 + additional £115 for each 0.1 hectare, or part thereof, in excess of 15 hectares, up to a maximum of £65,000	£34,934 + additional £138 for each 0.1 hectare, or part thereof, in excess of 15 hectares, up to a maximum of £78,000
Other operations not coming within any of the above categories, for any site area	£195 for each 0.1 hectare, or part thereof, up to a maximum of £1,690	£234 for each 0.1 hectare, or part thereof, up to a maximum of £2,028
Lawful development certificate		
Lawful development certificate, existing use, in breach of a planning condition	Same as full application	Same as full application
Lawful development certificate, existing use lawful development certificate, where it is lawful not to comply with a particular condition	£195	£234
Lawful development certificate, proposed use	Half the normal planning fee	Half the normal planning fee
Prior approval		
Agricultural and Forestry buildings and operations, or demolition of buildings	£80	£96
Telecommunications code systems operators	£385	£462
Reserved matters		
Application for approval of reserved matters following outline approval	Full fee due, or if full fee already paid then £385 due	Full fee due, or if full fee already paid then £462 due
Approval, variation or discharge of condition		
Application for removal or variation of a condition following grant of planning permission	£195	£234
Request for confirmation that one or more planning conditions have been complied with	£28 per request for the householder, otherwise £97 per request	£34 per request for the householder, otherwise £116 per request

Change of use of a building to use as one or more separate dwelling houses, or other cases		
Not more than 50 dwellings	£385 for each dwelling	£462 for each dwelling
More than 50 dwellings	£19,049 + £115 for each dwelling in excess of 50, up to a maximum of £250,000	£22,859 + £138 for each dwelling in excess of 50, up to a maximum of £300,000
Other changes of use of a building or land	£385	£462
Advertising		
Advertising relating to the business on the premises	£110	£132
Advance signs that are not situated on or visible from the site, directing the public to a business	£110	£132
Other advertisements	£385	£462
Application for a non-material amendment following a grant of planning permission		
Applications in respect of householder developments	£28	£34
Applications in respect of any other developments	£195	£234
Permitted Development Rights Removed	Nil	£96

16 January 2018		ITEM: 6
Planning, Transport, Regeneration Overview and Scrutiny Committee		
Purfleet Centre Update		
Wards and communities affected: West Thurrock and South Stifford		Key Decision: Key
Report of: Rebecca Ellsmore, Programme Manager (Purfleet)		
Accountable Head of Service: Steve Cox, Corporate Director, Place		
Accountable Director: Steve Cox, Corporate Director, Place		
This report is Public		

Executive Summary

The Purfleet Regeneration programme has been the subject of a number of Cabinet decisions since 2011. With the recent submission of the outline planning application for the masterplan the project is now moving into the delivery stage. This positive forward step has triggered the need for a new set of approvals to ensure that delivery can be progressed with the development partner Purfleet Centre Regeneration Ltd ("PCRL") and that the Council is in a position to fulfil its obligations under the Development Agreement (the DA)

This report highlights recent progress on the project and considers the next steps required. Under the terms of the DA the Council is responsible for leading on the land assembly to secure the site for redevelopment. Considerable focus is therefore given to the Compulsory Purchase Order (CPO) process as this is a significant decision for the Council to make. Using CPO powers should not be taken lightly but in this scheme it is likely that use of the powers will be required to complete the land assembly process and at this stage it is thought that a compelling case in the public interest can be made. Cabinet will be asked to resolve as a matter of principle that the Council is prepared to use its CPO powers on the basis that more detailed reports will come forward at a later date when approval to make the order is required and further work on the relevant documentation has been completed. In the meantime the Council will continue to progress negotiations to secure remaining land parcels by private treaty.

The report also describes the good progress being made on securing an Integrated Medical Centre as part of the scheme and on wider project decisions that will be forthcoming in the coming months.

- 1. Recommendation(s).**
- 1.1 Members of Overview and Scrutiny committee are asked to comment on the recommendations to be presented to Cabinet (below) and give their thoughts on the use of Compulsory Purchase Powers to secure the delivery of this significant regeneration scheme.**
- 1.2 Cabinet will be asked to:**
 - a) note progress on the Purfleet Centre Project;**
 - b) agree these recommendations on the basis that a full Compulsory Purchase Order (CPO) can only be made by Cabinet at a future Cabinet meeting.**
 - c) resolve as a matter of principle, that the Council is prepared to use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land to deliver the comprehensive regeneration of Purfleet Centre;**
 - d) note that the regeneration team is progressing negotiations to acquire the land and interests required by private treaty and to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to approve and enter into agreements with the owners and/or occupiers of the land so as to facilitate its acquisition;**
 - e) note the progress on the land referencing exercise and, if required, delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to issue requisitions for information pursuant to section 5A of the Acquisition of Land Act 1981 to persons who have a potential legal interest in or who occupy the area in respect of which compulsory purchase powers are proposed to be used;**
 - f) authorise the regeneration team under the direction of the Corporate Director, Place to undertake the work needed to prepare for the making of a possible Compulsory Purchase Order(s)(CPO) together with the associated documentation;**
 - g) delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement;**
 - h) resolve that any land acquired by the Council by private treaty within the area shown red on the plan at Appendix 1 in order to facilitate the Purfleet Centre Project shall be acquired for planning purposes pursuant to section 227 Town and Country Planning Act 1990;**

- i) **note that pursuant to sections 203 and 204 of the Housing and Planning Act 2016, land acquired under sections 226 or 227 of the Town and Country Planning Act 1990 may then be developed and used in accordance with planning permission for the proposed scheme notwithstanding any interference with any subsisting interests, rights or restrictions (subject to the payment of compensation calculated in accordance with sections 7 and 10 of the Compulsory Purchase Act 1965);**
- j) **in the event that Blight Notices under section 150 of the Town and Country Planning Act 1990 are served upon the Council, delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration and the Director for Law and Governance to acquire land or reject the Blight Notices as appropriate;**
- k) **delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration, the Assistant Director for Law and Governance and the Council's section 151 Officer to grant any approvals necessary in order to allow the Purfleet Centre Project to progress.**

2. Introduction and Background

- 2.1 The aim of the report is to provide an update on the Purfleet Centre Project and to seek the views of Planning, Transport and Regeneration Overview and Scrutiny Committee on a number of approvals sought from Cabinet to continue the Project into the next stage.
- 2.2 Purfleet is one of the six Growth Hubs in the Borough as identified within the Council's Economic Development and Regeneration Strategies and the Local Development Framework. Whilst the majority of the Borough's growth is 'private sector' led; the Purfleet Centre Project is the largest regeneration programme which the Council is directly involved with, owing to the use of its significant land holding in the area. The Council has set out a vision to create a destination in Purfleet, a new town centre to support the development of more housing but also to address existing deficiencies in services and facilities and to maximise the benefit of Purfleet's riverside location.
- 2.3 Previous Reports have secured approvals from Cabinet to progress a number of workstreams relating to the Project. Specifically, the Council resolved on 9th November 2011 to support in principle only the use of compulsory purchase powers should it become necessary. Further, in October 2015, Cabinet approved a recommendation to award the contract for the delivery of the Project to Purfleet Centre Regeneration Limited ("PCRL"). Subsequent to this, a Development Agreement was entered into between PCRL and the Council in January 2016. Given the time that has passed and the evolution of the project since the previous Report, Members are being asked to reconfirm their support for the Project, to give further delegated authority to Officers to take decisions which would enable the

Project to be delivered and specifically to reconfirm their support for the likely use of compulsory purchase powers.

- 2.4 There has been significant, positive progress on the Project in recent months. A change to the internal structure of PCRL has seen Swan Housing Association take over the Project Manager, Construction Manager and Guarantor roles previously held by L&Q New Homes. This has created renewed momentum in the Project and, working as the new team, PCRL submitted an outline planning application for the Project in December 2017.
- 2.5 As Masterplan designs have been crystallised through the development of the planning application, PCRL requested that a number of changes be made to the Concept Scheme. These changes were approved by the Council prior to the submission of the planning application and include:
- increasing the size of Phase 1 enabling significant infrastructure (such as the replacement of the level crossing at Purfleet Station with a vehicle and pedestrian bridge, improved station facilities, developing the town centre and providing a new, Integrated Medical Centre) to be delivered earlier in the development programme than was originally anticipated;
 - Identifying a site for the Integrated Medical Centre which can be delivered in line with the Council and Thurrock Clinical Commissioning Group's aspirations for an operational facility in 2020.
 - increasing the density of the proposed residential accommodation around the town centre and railway station, making a valuable contribution to the Council's housing targets; and
 - including provision of 30% of the residential units in the first phase of the Project to be delivered as Shared Ownership properties.
- 2.6 Site investigations, not requiring planning permission, started on site in early December. This work will inform the future detailed design work and is a visible indicator to the local community that the Project is progressing.
- 2.7 As is stated above, an outline planning application for the Project was submitted in December 2017. The application seeks to secure outline consent for up to 2850 new homes, retail, commercial, health and education uses, upgraded station facilities, a film and TV studio complex and associated infrastructure such as new roads, open space and river wall works. The full description of development is included at Appendix 2.
- 2.8 The proposed development is considered by the Council in its role as development partner to be broadly consistent with the proposals for the area set out in the adopted Thurrock Core Strategy. The Core Strategy was adopted in December 2011 and subsequently amended in January 2015. The Core Strategy designates the site of the proposed development as a Key Regeneration and Growth Location Area, including as a location suitable

for new housing, education, community and retail facilities, employment uses and other appropriate forms of development.

Integrated Medical Centre (IMC)

- 2.9 The DA includes provision for a 'health facility' as part of the development. The Council and CCG have been working together to develop strategic proposals to address the local GP shortage, enhance outcomes for patients and improve the quality of health care infrastructure. A network of four Integrated Medical Centres which bring together GP facilities, wider health care services and complementary support such as housing and employment services are proposed. The Centres will integrate these services to respond to multiple issues with a single, coordinated offer to patients.
- 2.10 The Council and CCG want the Purfleet Integrated Medical Centre to be within the Purfleet Centre regeneration boundary and have been working in partnership to develop a brief for the facility and to work up a programme to secure the necessary approvals from NHS England. To this end, the Council and CCG jointly commissioned Currie and Brown to develop a Schedule of Accommodation for the IMC. This information has been shared with PCRL to ensure that the aspirations for the scale and scope of this facility are understood and can be accommodated within the development. Based on the Schedule of Accommodation, PCRL have reviewed their proposals and identified a site which can accommodate the scale of accommodation required and which can be delivered in the anticipated timescale (with the centre being operational in 2020). This location is reflected in the outline planning application and further details will come forward in a reserved matters application in 2018.
- 2.11 Whilst proposals around the funding of the IMC and its long term management need to be further developed there are clear advantages to including the IMC in the PCRL development and using a single developer partner. PCRL see the facility as an integral part of their proposals and are happy to take on the Developer role. Given the tight timescale for delivery using PCRL who have an architectural team in place and an established programme to secure planning permission is thought to be the most expedient delivery route.
- 2.12 It is proposed that an outline business case to secure NHS approval for the IMC's will be developed in 2018. This business case will include further details on floor layouts, capital cost, delivery timescales and head leaseholder arrangements.

Land Assembly

- 2.13 The delivery of the Purfleet scheme will require the Council to acquire land interests and rights within the area identified on the plan at Appendix 1. The Council, and its appointed surveyors (CBRE) have been in discussions with those parties who have an interest in or occupy the land for many years. A number of acquisitions have been achieved and at present the Council owns around 30 hectares of the 58 hectares required.

- 2.14 Discussions are ongoing with the landowners and occupiers who hold interests in the remainder of the site. Of the outstanding acquisitions the majority of the sites are in industrial usage but three residential properties remain as well as the Network rail land and a few small slithers of land which have been detached from previous developments.
- 2.15 Heads of terms have been agreed on two of the outstanding sites and acquisitions are expected to complete in 2018. CBRE, on behalf of the Council, is in very advanced discussions on an option agreement to secure a significant site in Botany Quarry.
- 2.16 The Council has submitted an application to Land Registry to register a number of unregistered land parcels within the red line. A decision is currently awaited.
- 2.17 PCRL have signed a Basic Asset Protection Agreement (BAPA) with Network Rail which is a positive first step to commencing meaningful discussions with Network rail on acquiring their land that is within their ownership.
- 2.18 Several of the industrial owners have suggested that they would be willing to sell their sites if they can find a suitable alternative location. In line with Department for Communities and Local Government (DCLG) Compulsory Purchase (CPO) guidance the Council has provided undertakings to several owners to cover the costs of site search agents to assist with this process.
- 2.19 It should be noted that many of the land owners have been in discussions with the Council, and previously with the former Development Corporation, for many years. There is some scepticism that the project will happen which is making them reluctant to sell their interests. The submission of the planning application, this report to support in principle a CPO and the positive press statements that have recently been issued will reinforce the Council and PCRL's commitment to delivering the scheme and may help to move some discussions forward.
- 2.20 In the event that it is not possible to acquire the land and interests in land by negotiation then, under the terms of the Development Agreement, the Council is required to consider the use of its compulsory purchase (CPO) powers to assemble the land to deliver the Purfleet Project, subject to there being a compelling case in the public interest to use CPO powers.

3. Issues, Options and Analysis of Options

CPO Powers

- 3.1 In the event that CPO powers are to be used, the appropriate power would be Section 226(1)(a) of the Town and Country Planning Act 1990. This enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired.

- 3.2 The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.
- 3.3 DCLG Guidance, “Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (2015), (“the Guidance”) sets out guidance for local authorities regarding the making of CPOs. The Guidance includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO members must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposed regeneration will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to Cabinet to seek authority for any CPO to be made.
- 3.4 The objectives of the Purfleet Centre scheme and the public benefits that it will realise are of critical importance to the economic, social and environmental wellbeing of the area. Accordingly, whilst any case for making a CPO will be rehearsed in a future report to Cabinet, officers are of the view that a compelling case in the public interest for making and promoting a CPO(s) could be made out; the use of the powers could be seen as both necessary and proportionate; and the public benefits associated with the proposed regeneration are likely to outweigh the interference with the rights of those affected.
- 3.5 An indicative CPO timetable is included below which outlines the steps necessary to be undertaken prior to the making of any compulsory purchase order, and an estimated timetable from then on until the acquisition of land pursuant to a compulsory purchase order. It can be seen that the preparatory work before making a CPO requires a minimum of 6 months. Once a CPO has been made, if objections are received and a public local inquiry is required, there is approximately a 16 month period from making a CPO until the date that the land may be acquired compulsorily as a minimum.
- 3.6 An Indicative CPO Timetable

Task	Date
Outline planning application submitted	15 th December 2017
CPO request notice	February 2018
CPO Indemnity Agreement	February 2018
Phase 1A Reserved Matters submission	February 2018

Land referencing including service of statutory requisitions if required	February 2018-May 2018
Prepare Statement of Reasons	February 2018-May 2018
Prepare draft CPO, CPO Plan, and CPO schedule	March 2018 – May 2018
Report to Cabinet seeking formal approval to the making of a CPO	June 2018
Make CPO	June 2018
Notice of Making of CPO is served	June 2018
CPO objection period ends	July 2018
Estimated date of CPO Public Inquiry	December 2018
Estimated date of Secretary of State's decision to confirm CPO	June 2019
Publish and Serve Notice of Confirmation and Notice of Intention to make a General Vesting Declaration (GVD)	June 2019
CPO 6 week challenge period expires	July 2019
Earliest date for execution of GVD	July 2019
Earliest date land can vest in the Council (3 months after GVD)	October 2019

- 3.7 Compulsory purchase orders include a Schedule of interests which should include the names and addresses of every party that has an interest in the land proposed to be acquired, including all freehold owners, tenants, other occupiers, and anyone else with a legal interest in the land such as an easement or covenant. In order to establish the parties who should appear in the Schedule, an initial land referencing process was commenced by the Corporation and is now being updated by the Council. Depending on when the Order is made this may need further review. The plan at Appendix 1 shows the current site boundary deemed to be required for the Purfleet scheme. The final land area to be included in the CPO must be clearly shown on a plan when the Order is made. Until this point there remains some flexibility and the boundary can be amended if required.

3.8 The scheme as currently envisaged is divided into four phases described below:

- Phase 1 – area to the west and south of the railway station to Cory's Wharf jetty
- Phase 2 – Southern area of Botany Quarry
- Phase 3 – Northern area of Botany Quarry
- Phase 4 – Area to the East of Cory's Wharf jetty

The partnership is currently considering whether a single phase CPO encompassing all four phases or a multi-phase CPO delivering the site in more than one parcel is the most appropriate mechanism to secure the ownership of the required area. For a CPO to be successful there must be a level of evidence that the entire scheme is deliverable.

3.9 The point at which this evidence can be demonstrated is likely to be different for the residential and more commercial elements of the scheme (such as the Film and TV studios). The availability of this evidence as well as the proposed development programme and the combined public benefit will inform the decision on whether to pursue a single phase or multi-phase CPO. The rationale for this will need to be clearly justified in the documentation which will accompany the making of the CPO(s). At this stage Cabinet is only asked to approve the principle of using CPO powers - full details on the number of CPOs, the areas to which they relate and the future uses of the acquired land will come forward in a later report to Cabinet seeking formal approval to the making of a CPO(s).

Public Interest

3.10 Whilst this report only seeks an 'in principle' decision from Cabinet that it is prepared to authorise the use of CPO powers to facilitate the Purfleet Scheme, officers would provide the following guidance at this stage on the implications of pursuing CPO action. The Guidance confirms that *'an acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.'* The United Kingdom is party to and bound by the ECHR, which was incorporated into domestic legislation by the Human Rights Act 1998. Accordingly, the Council is required to take into account such rights when making its decision. The implications will be dealt with in full in a subsequent report requesting approval for the making of the proposed CPO.

3.11 Before deciding whether to authorise any CPO, Cabinet will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to

enable the scheme to proceed will bring benefits to the area, which could not be achieved without the use of compulsory purchase powers.

Alternative Options

- 3.12 If the Council decides not to commence preparations for a possible compulsory purchase order at this stage, this could call into the question the Council's commitment to the delivery of the Purfleet Centre scheme. This could undermine the Council's private treaty negotiations with owners, its relationship with PCRL, and discussions with other key stakeholders. In turn, this could give rise to uncertainty and delay to the delivery of the Purfleet Centre project and the much needed economic, social and environmental well-being benefits that it will realise.

Wider Project Decisions

- 3.13 The submission of the outline planning application in December 2017 was a significant step forward in the delivery of the Purfleet scheme. This marks the start of the delivery phase of the Project and the Council will therefore have to make a number of decisions over the coming months and years.
- 3.14 In early 2018 it is anticipated that PCRL will submit to the Council for approval a Phase Proposal which will describe how Phase 1 will be delivered. Approval of this document is the next key decision that the Council need to make. Following the Phase Proposal, a number of reserved matters planning applications will come forward for discrete areas within Phase 1. In accordance with the DA the Phase 1a reserved matters application will be submitted in February 2018. In addition the Council and PCRL need to jointly make decisions on the delivery mechanisms for both the Integrated Medical Centre and the new Primary School.
- 3.15 Any approvals required under the Development Agreement are subject to the agreed review and approval process which, on most occasions, gives the Council 30 days to approve or reject submitted items. As these timescales will not fit with Cabinet decision making schedules this report requests delegation to the Corporate Director, Place in consultation with others to make the decisions necessary to ensure that the project can progress through the delivery phase.

4. Reasons for Recommendation

- 4.1 Whilst significant progress has been made to date by the Council with private treaty negotiations and discussions with landowners and occupiers will continue, Officers consider that it is unlikely that all necessary interests can be acquired through negotiation. Furthermore, there are a number of unknown ownerships and title anomalies which could prejudice the delivery of the scheme and may not be capable of satisfactory resolution without the exercise of CPO powers. Officers are therefore of the view that the use of compulsory purchase powers may be necessary to facilitate the development of the Purfleet Centre site.

- 4.2 It is proposed at this time that the Council approves, in principle only, to use compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 if it becomes necessary to do so. A further report will be brought back to Cabinet should a CPO be required and the Council will need to consider at that time whether there is a compelling case in the public interest to make such an order.
- 4.3 Section 227 of the Town and Country Planning Act 1990 provides that a Council may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section 226. Officers consider that any land within the area edged red on the plan at Appendix 1 that may be acquired by negotiation from now on should be held by the Council for planning purposes, consistent with the purposes for which that land would be held by the Council were the land to be acquired compulsorily pursuant to section 226. Land referencing involves a detailed investigation into the identity of all owners, tenants, occupiers and others with legal interests in the order land. This exercise must be carried out thoroughly as errors in the schedule cannot readily be remedied later without the consent of any affected owner/occupier. It may subsequently become expedient for formal requisitions for information to be issued by the Council in order for the Council to satisfy itself before the making of any CPO that reasonable and diligent enquiries have been made to seek to identify all those persons with an interest in the relevant land. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to approve the issuing of requisitions for information served under the provisions of section 5A of the Acquisition of Land Act 1981 to all potential owners of legal interests within the proposed CPO area.
- 4.4 The costs of progressing the CPO process will be borne by PCRL under the terms of an agreed form CPO Indemnity Agreement which is appended to the Development Agreement dated 11th January 2016. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement.
- 4.5 Other project decisions will need to be taken on Phase Proposals, Reserved Matters Applications and potentially other items. To ensure that the Council can fulfil its obligations under the DA and meet the prescribed approval timelines it is requested that Cabinet delegates authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration, the Director of Law and Governance and the s.151 Officer to take any further decisions that may be required by the project.

5. Consultation

- 5.1 As highlighted previously significant negotiation has taken place with affected landowners with a view to acquiring land by private treaty wherever possible. Landowners are aware that previous in principle resolution to

pursue a CPO has been approved by Cabinet and that Officers will be seeking to renew this approval.

5.2 A significant amount of public consultation has been undertaken in relation to the Project. Some of these elements are highlighted below:

- **Community Design Panel:** 20 volunteers met regularly with PCRL during the design process to identify issues that should be addressed in the development and to input into the design process. The panel last met in November 2017 prior to the submission of the outline planning application;
- **Community Consultation Workshops:** 6 open community consultation workshops were held between April 2016 and December 2016 allowing local people an opportunity to feed into and comment on the masterplan development;
- **Digital engagement and consultation:** Social media channels were set up to encourage people who would not take part in a community consultation to engage with the design team.

5.3 Support from the public is generally high and local residents are excited to see new amenities being planned for their area.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Purfleet Centre is referenced in the Council's Economic Development and Regeneration Strategies and the Local Development Framework. The proposals under consideration will make a significant contribution to achieving the Council's vision for Purfleet and will be of great benefit to new and existing residents.

7. Implications

7.1 Financial

Implications verified by: **Mark Terry**

Senior Financial Accountant

The financial return generated by the Project will be received as the development Phases are completed. The mechanism for calculating the return is set out in the DA. Initial details of the first financial return due to the Council will be provided in the first Phase Proposal which is expected February 2018. The Council's advisors, CBRE, will ensure that information provided by PCRL is in line with the agreement, satisfies the viability tests and is based on reasonable inputs and forecasts. The Council must be satisfied that the Phase is viable before reserved matters applications are submitted to the Local Planning Authority. The DA sets out a defined budget held by the Council for land assembly costs. Once this budget is expended

the responsibility to cover future land assembly costs moves to PCRL. The CPO Indemnity Agreement obliges PCRL to cover the costs of a CPO process. It is in agreed form as an annex to the DA but will only be signed following the submission of a CPO request notice under the DA and its acceptance by the Council. The Council will not commence CPO proceedings until this is in place.

Through the DA and the CPO Indemnity Agreement the Council has sufficient protection against costs arising out of the Project. Future returns will be quantified at the relevant Phase Proposal stages. When making value for money decisions in relation to the scheme the Council will take into consideration the financial and non-financial benefits (new housing, new infrastructure, placemaking impact etc) of the Project.

7.2 Legal

Implications verified by: **Benita Edwards**

Interim Deputy Head of Law (Regeneration)

Eversheds Sutherland are providing detailed legal advice to the Council on its approach and legal issues and in so doing, they have assisted with the preparation of this report. If a CPO is pursued Eversheds Sutherland will be retained to advise the Council throughout.

Legal Services have also advised in relation to governance and other matters arising in this report and will continue to do so in partnership with Eversheds Sutherland.

Making a CPO

As noted in the report, in due course, Cabinet may be asked to authorise the making of the CPO for the purpose of facilitating the comprehensive redevelopment of the land in accordance with the scheme outlined in the report, which officers consider will make a major positive contribution to the economic, social and environmental well-being of the area. At this stage, approval is sought for preparatory steps, acquisition of land by private treaty and connected matters.

The making of a compulsory purchase Order under S.226 (1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 is a function which Cabinet may exercise in accordance with the provisions of the Council's Constitution.

Section 226 of the Town and Country Planning Act 1990 enables a local authority to exercise its compulsory purchase powers:

- i. If it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired (s.226(1)(a)); and

- ii. Provided that it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area (s.226(1A)).

The Council must therefore be satisfied on both counts. In addition, it must take into account any human rights implications as well as the public sector equality duty in section 149 of the Equality Act 2010.

Confirmation of a CPO and Acquisition of the Land

If, following consideration of a further detailed Report, the Council resolves to make the CPO, the Order must be submitted to the Secretary of State for confirmation, notified to those persons affected by it and advertised in the local press. Any party who wishes to object to the making of the CPO has 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a public inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be six months or more after submission of the Order to the Secretary of State.

The Council cannot actually exercise its compulsory purchase powers until such time as the CPO has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the CPO.

Following confirmation of a CPO the Council has three years within which to exercise the CPO powers. Once the interests included in the proposed CPO area have been acquired for planning purposes, the site will benefit from the operation of Section 203 of the Housing and Planning Act 2016, which (subject to the payment of compensation) extinguishes all existing third party rights that could prevent the development or use of the land from proceeding. The same applies with respect to any land acquired by agreement under section 227 of the Town and Country Planning Act 1990. In both cases, the costs of compensation will be limited to the statutory basis as provided by section 204 of the 2016 Act.

Legal Challenge

Decisions made in the Compulsory Purchase context are subject to challenge on public law grounds in the usual way.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**

Strategic Lead, Community Development and Equalities

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty (PSED), requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

The broad purpose of this duty is to require the Council to pay due regard to considerations of equality in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the administrative area including those identified in equality legislation as having protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.

This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.

The Purfleet Centre Project has the ability to deliver a significant level of change to Purfleet, with the introduction of employment opportunities together with community facilities and diverse housing types which will provide significant growth to the area. Plans are designed to ensure that the new facilities are accessible to both the new and existing communities and the masterplan has widespread community support.

Implementation of the Project will be informed by statutory equality legislation described above as well as by community equality impact assessments.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The report highlights a range of positive social and economic implications.

8. **Background papers used in preparing this report** (including their location on the Council's website or identification whether any are exempt of protected by copyright):

- None.

9. **Appendices to the report:**

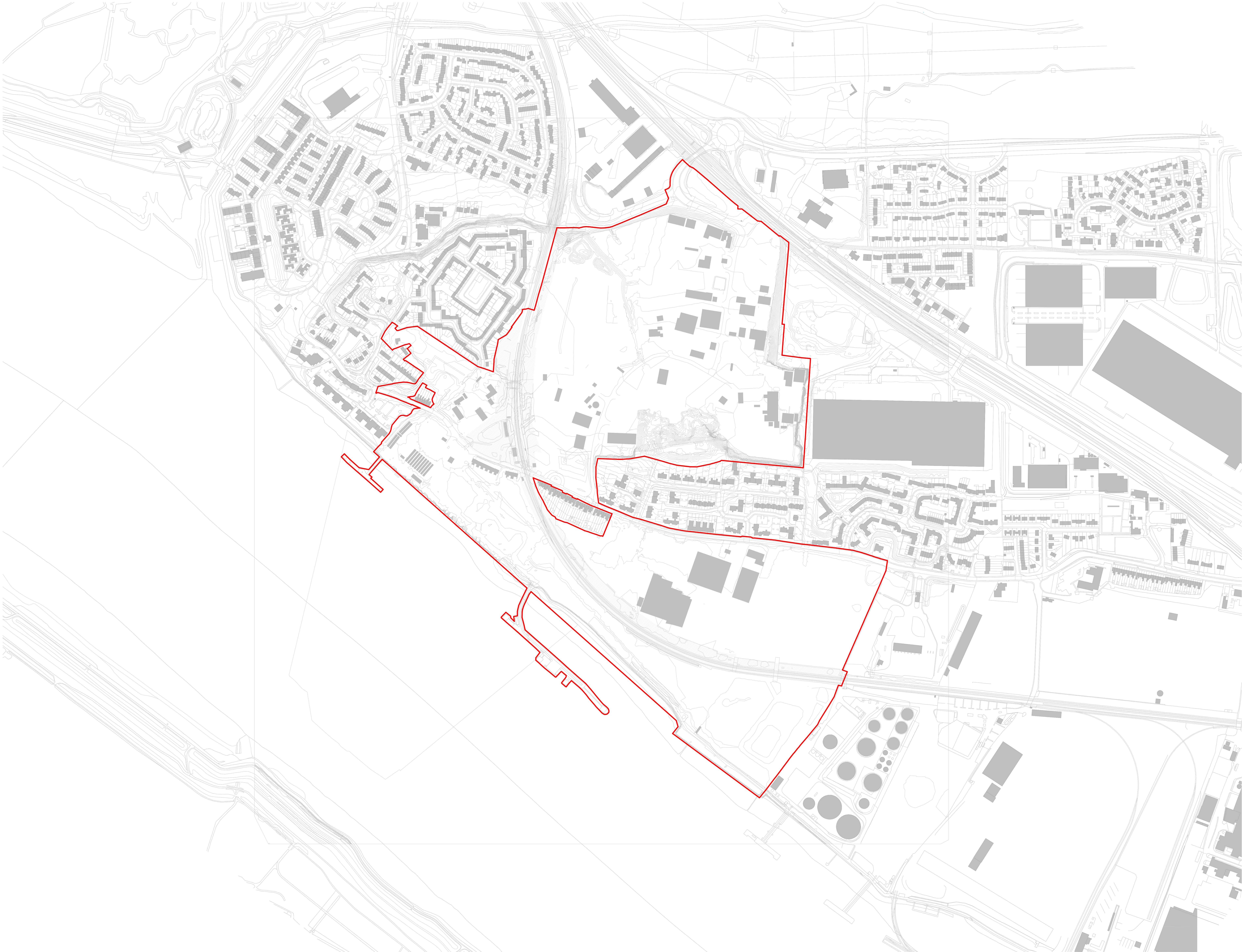
- Appendix 1: Site Boundary Plan
- Appendix 2: Description of Development

Report Author:

Rebecca Ellsmore

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Regeneration



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Revisions
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KSS

Revision Notes
ISSUED FOR COMMENT

General Notes and Legend

LEGEND
SITE BOUNDARY
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Client
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Project
PURFLEET CENTRE REGENERATION

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SITE LOCATION PLAN

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Checked By: DB
Date Checked: 27.10.17

Project Ref: PFT - KSS - 00 - ZZ - DR - A - 0001 - 000
Drawing Sequence: NOT APPLICABLE

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Appendix 2: Description of Development

Application for outline planning permission, with all matters reserved for subsequent approval, except for means of access, for mixed-use redevelopment involving the demolition of existing buildings and other structures; site preparation works; and the development of up to 2,850 Dwelling houses (Use Class C3) comprising a mix of 1, 2, 3 and 4 bedroom units including affordable housing; up to 11,000 sq.m (floorspace) of Business Uses (Use Class B1); up to 8,800 sq.m (floorspace) of Shops (Use Class A1); up to 5,220 sq.m (floorspace) of Restaurants and Cafes (Use Class A3); up to 900 sq.m (floorspace) Drinking Establishments (Use Class A4); up to 20,000 sq.m (floorspace) of Hotel Accommodation (Use Class A1); up to 18,300 sq.m (floorspace) of Non-Residential Uses, comprising a Primary School, a Secondary School and Sixth Form, Medical and Community Uses (Use Class D1); up to 6,200 sq.m (floorspace) of Assembly and Leisure Use (Use Class D2); up to 135,000 sq.m (floorspace together with external backlot production space) film and television production space including ancillary workshops, offices and post production facilities and ancillary infrastructure, together with ancillary car park; up to 1,600 sq.m (floorspace) of new railway station and local waste and power facilities (Sui Generis); all together with associated vehicle parking, open space, landscape and public realm provision; highways, pedestrian and vehicular access routes, and other associated engineering, utilities and engineering works including but not limited to, alterations to the river wall, repair and reinstatement of jetties, the provision of four crossings over the railway and the reprofiling and realignment of London Road.”

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**Planning, Transport & Regeneration Overview and Scrutiny Committee
Work Programme
2017/18**

Dates of Meetings: 4 July 2017, 12 September 2017, 14 November 2017, 16 January 2018 and 13 March 2018

Topic	Lead Officer
4 July 2017	
Adoption of Thurrock Design Guide - Residential Alterations and Extensions Supplementary Planning Document	Monica Qing
Grays Masterplan	Brian Priestley
Tilbury Masterplan	Matthew Brown
Tilbury Integrated Medical Centre	Rebecca Ellsmore
Work Programme	D/S
12 September 2017	
Local Plan Update	Andy Millard
C2C Update	Ann Osola
Work Programme	D/S
14 November 2017	
Fees & Charges Pricing Strategy 2018/19	Carl Tomlinson
Aveley Community Hub	Natalie Warren
Gritting / Silt update FOR NOTING	Julie Nelder

Coalhouse Fort Conservation Management Plan	Matthew Brown
Intelligent Transport Systems Strategy	Fred Raphael
Work Programme	D/S
16 January 2018	
Planning Fees	Steve Cox & Andy Millard
Purfleet Centre Update	Stephen Taylor
LTC Task Force Update	Steve Cox
13 March 2018	
Freight and Logistics Strategy	Fred Raphael
Gullies	Julie Nelder / Daren Spring
Arts and Heritage (Cultural Economy) Strategy	Stephen Taylor