

London Gateway Logistics Park Local Development Order 1.5

Statement of Reasons



February 2024

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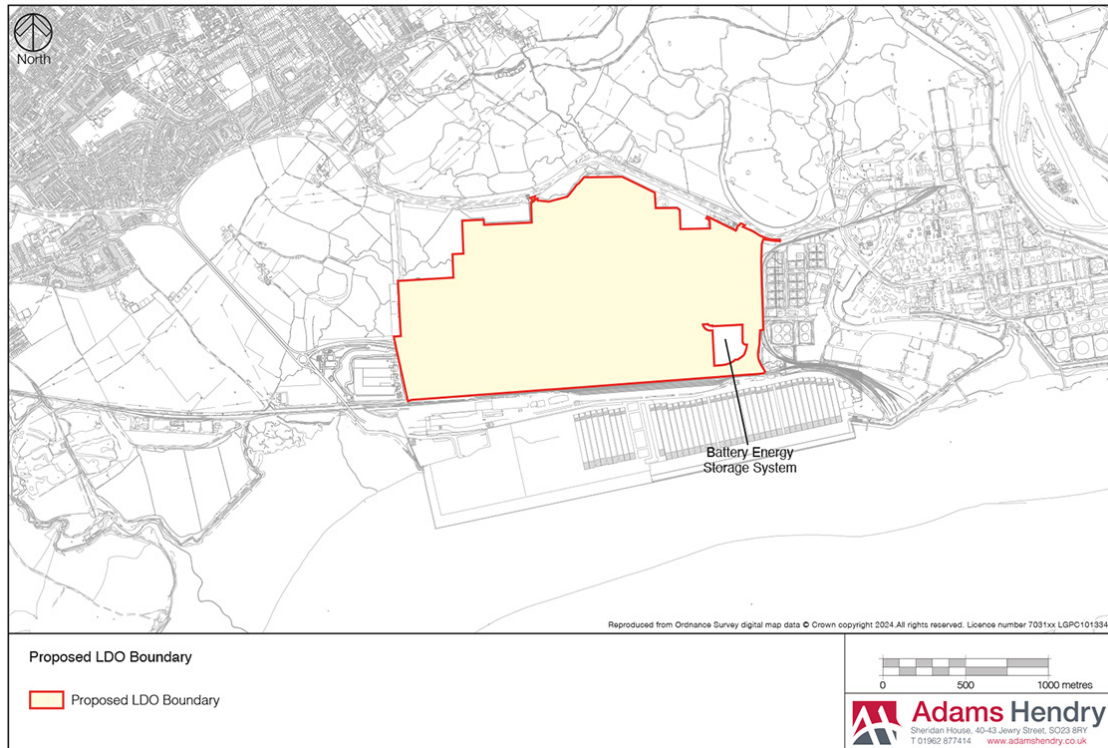
1.0 Introduction and Background

- 1.0 The London Gateway Logistics Park is a world leading logistics centre sitting alongside the London Gateway Port, the UK's fastest growing deep-sea container terminal, located on the north bank of the River Thames just 25 miles from central London. The two components are in single ownership and, together, form London Gateway.
- 1.1 The Logistics Park was the subject of the London Gateway Logistics Park Local Development Order (LDO1) 2013, which granted planning permission for a total of 829,700m² of commercial floorspace together with ancillary uses and a range of supporting servicing facilities, plant, landscaping and infrastructure. To date a total of 293,136m² of development has been completed on site and a further 44,089m² is committed under LDO1, the vast majority of which is within Use Class B8.
- 1.2 Consent exists under LDO1 for land raising across the Park (with the exception of the area immediately adjoining the Battery Energy Storage System in the south east corner of the site) and much of the remaining undeveloped plots have been remediated. The key infrastructure corridors are in situ and strategic landscaping along the western and northern boundaries has been implemented. The site has been cleared of ecological interest in preparation for the development of the Logistics Park and species present translocated to various receptor sites which are managed in accordance with agreed protocols. Off-site highway works have also been undertaken in anticipation of the full Logistics Park development.
- 1.3 The Port was approved under a Harbour Empowerment Order while the provision of altered rail facilities was approved under the Harbour Empowerment Order and also a further Order under the Transport and Works Act 1992. The first three berths of the port are operational and berth four is currently under construction. The Port development is unaffected by the LDO.
- 1.4 In order to deliver economic growth and capitalise on the growth of the Port and the success of LDO1, the Council is keen to ensure that the path to securing consent for the remainder of the Logistics Park continues to be as simple as possible.
- 1.5 LDOs were introduced in the Planning and Compulsory Purchase Act 2004 to simplify the planning process by removing the need for express planning permissions, where this is considered appropriate and proportionate. One of the circumstances considered suitable for an LDO is flagship development important to economic regeneration, such as the Logistics Park. To this end, the Council wishes to continue to incentivise development in order to deliver the economic objectives set out in the Thurrock Core Strategy Development Plan Document.
- 1.6 LDO1 had a duration of 10 years and expired in November 2023. As a significant amount of the Park is still to be developed a replacement LDO (hereafter referred as LDO2) is being prepared to deliver the economic regeneration benefits arising from the completion of the remaining undeveloped plots. It is proposed that LDO2 will allow up to 738,244 m² of commercial

floorspace on the site.

- 1.7 LDO1.5 is proposed as an interim measure (valid for 1 year or until LDO2 is made whichever is the sooner) to enable development of up to 85,000m² of commercial floorspace within Use Class B8 to be development on the site (see Figure 1) pending consideration of LDO2.

Figure 1 – LDO Boundary



Objectives and Purpose

- 1.8 The purpose of LDO1.5 is to build on the success of LDO1 by streamlining the planning process by removing the need for developers to make a planning application. It will help accelerate the delivery of appropriate development on the remainder of the Park, particularly where it will promote economic, social or environmental gains for the area. It provides greater flexibility and certainty to developers, occupiers and other users of the Park on what will be permitted and in so doing is designed to improve investor confidence and help realise the complete regeneration of the site.
- 1.9 Figure 2 shows the development status of the Logistics Park as of November 2023 and illustrates how the remaining plots on the Park may be completed. LDO1.5 will only allow a limited amount of additional floorspace to come forward in advance of the preparation of LDO2, which is intended to secure the implementation of the remainder of the Logistics Park.
- 1.10 The objectives of the LDO fulfil the aims of national and local policy, as set out Section 3, specifically in relation to the regeneration of the area, achieving economic growth and delivering a significant improvement in the local economy.

London Gateway is one of the Council's five key strategic economic hubs and regeneration areas and one the largest economic drivers for the borough.

- 1.11 The London Gateway Logistics Park is being promoted as a flagship project and is intended to deliver a nationally significant sustainable development and to enhance significantly the profile of the borough as a centre for logistics.

2.0 Environmental Context

- 2.1 London Gateway forms part of the Thames Freeport economic zone established by the Government in 2021 to help boost global trade, attract inward investment and to generate employment opportunities. It lies approximately 4 km east of the town of Stanford-le-Hope and 3 km south/south-east of the town of Corringham. It is bounded to the north by a dual carriageway, The Manorway (A1014), and to the south by the Thameshaven Branch Line adjacent to the London Gateway deep-sea container Port (LG Port).
- 2.2 The site has direct access to The Manorway (A1014) which connects to the A13 approximately 3 km to the west. The A13 westbound provides access to London, connecting to the motorway network via Junction 30 of the M25. Eastbound, the A13 provides a connection to Southend.
- 2.3 The site is located within the Greater Thames Marshes Nature Improvement Area. The internationally designated Thames Estuary and Marshes Ramsar and Special Protection Area (SPA) and the nationally designated Mucking Flats and Marshes Site of Special Scientific Interest (SSSI) are located approximately 0.25km to the south west of the site.
- 2.4 The underlying site specific environmental issues have been and remain fundamental to its redevelopment and hence its regeneration. The site was cleared of ecological interest in preparation for its redevelopment and species present were translocated to various receptor sites in the vicinity.
- 2.5 The habitat creation areas include two areas of land, known as the Northern Triangle East and Northern Triangle West, immediately north of The Manorway. A third site, The Northern Landscape Receptor Site, is located on land between the northern site boundary and The Manorway (A1014).
- 2.6 The land between the western boundary of the site and the settlement fringes of Corringham and Stanford-le-Hope includes Great Garlands Farm and an area of grazing marsh part of which continues to be used for grazing livestock and is in part, also under active ecological management. Within this area, is the Great Garlands Farm Elbow (1.35 ha), also designated as an ecological receptor site and Great Garlands Farm Elbow Habitat Enhancement Area (~4.4 ha). The Stanford Wharf nature reserve to the south west of the site, is also under active ecological management.
- 2.7 The site and surrounding area are situated within Environment Agency Flood Zone 3. The extent of Flood Zone 3 specifically ignores the presence of flood defence assets and therefore does not account for the significant flood defences provided by the adjacent port area to the south as well as the wider Thames Tidal Defences.
- 2.8 There are no listed buildings or conservation areas within or directly adjacent to the site. However, sixteen listed buildings are located within 1 km of the site. The majority of these are located within Fobbing and Corringham Conservation Areas. The closest listed building (Great Garlands Farm) is approximately 700m from the site boundary at its nearest point.

3.0 Policy Context

Key National and Regional Policies and Strategies

- 3.1 London Gateway is located on the site of the former Shell Haven oil refinery, the redevelopment of which is a longstanding policy aspiration that remains central to planning strategies for Thurrock. The imperative need for the regeneration of the site is demonstrated by the high priority consistently accorded to it in planning policy documents and is a reflection of the scale of the proposals and the high value accorded to the benefits that regeneration would bring to the locality and the Borough as a whole.
- 3.2 London Gateway is part of the wider Thames Gateway area identified at a national level for regeneration and economic development. The need to regenerate an area of the Thames Estuary that stretches across Essex and Kent has been identified in one form or another since the early 1980's. There has long been recognition by national Government that the area could support the growth of the Greater South East as a driver of the UK's prosperity.
- 3.3 The Government remains committed to making a success of the Thames Gateway. It recognises that it is an area able to offer unparalleled growth potential, having a range of opportunities including proximity to London, excellent transport links, significant volumes of brownfield land that can be redeveloped for housing and business, and the presence of key sites such as London Gateway, with the potential to provide a significant number of new jobs.
- 3.4 The Thames Estuary 2050 Growth Commission was established in March 2016 to develop an ambitious vision and delivery plan for north Kent, south Essex and east London. The Commission acknowledges that the area needs strong delivery and investment to make sure that, as other high growth corridors around London expand, the Thames Estuary is not left behind.
- 3.5 One of the objectives of the vision is to support the sustained growth of its high value, healthy wage sectors achieving up to 1.3 million new jobs by 2050. Existing sectors will be strengthened including freight and logistics and construction, maximising existing assets such as the ports.
- 3.6 The core strengths of the 'Inner Estuary' are its connectivity, which supports a growing higher value logistics and freight sector, including further investment in London Gateway Port.
- 3.7 The National Planning Policy Framework (NPPF) (2023) demonstrates the Government's commitment to building a strong, competitive economy. It urges local planning authorities to place significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 51 supports local planning authorities in tailoring planning controls to local circumstances, encouraging the use of Local Development Orders where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.

- 3.8 S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight must be accorded to the desirability to preserve a listed building or its setting, therefore. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset or its setting (and in the case of the NPPF this will include the setting of a conservation area in relation to which great weight attaches to its conservation), paragraph 202 of the NPPF makes it clear that this harm should be weighed against the public benefits of the proposal.

Local Policies

- 3.9 The adopted Core Strategy and Policies for Management of Development (2015) supports major logistics, import-export based employment development at London Gateway to secure the long-term future of the industry in Thurrock and identifies London Gateway as one of five 'Key Strategic Economic Hubs' where the Council will promote and support economic development.
- 3.10 Thurrock's Core Strategy is reliant on the regeneration of the site, which represents the largest, single employment site within the Borough, estimated to deliver half of the 26,000 jobs planned for over the period up to 2026.
- 3.11 Policy CSTP6 (Strategic Employment Provision) seeks to maintain high and stable levels of economic and employment growth by safeguarding and reserving primary, secondary industrial and commercial sites for employment generating uses falling within Class B1 (now Class E), B2 and B8 and sui generis uses.
- 3.12 Thurrock's riverside and coastal land is recognised as a key asset of the Borough for various roles and is further safeguarded by Core Strategy SSO19 for port related activity at London Gateway. Policy CSTP29 specifically promotes the economic and commercial function of the river prioritising uses that require access to the river frontage and safeguarding port-related operational land.
- 3.13 Whilst promoting and supporting economic growth, the Core Strategy seeks a sustainable balance between housing and job creation across the Borough supported by integration and phasing with existing and planned transport and community infrastructure.
- 3.14 At a local level, work has begun on revising the Thurrock Local Plan and a number of technical studies have been commissioned. The Draft South Essex Economic Development Needs Assessment 2017 shows that two thirds of South Essex's future employment land requirements are focussed in Thurrock, with warehousing being the predominant sector of demand. The assessment assumed that Thurrock could reasonably be expected to see a 40% uplift in future industrial activity as a result of the relocation of existing industrial activity from London, with a split of 30% industrial and 70% distribution. This reflects

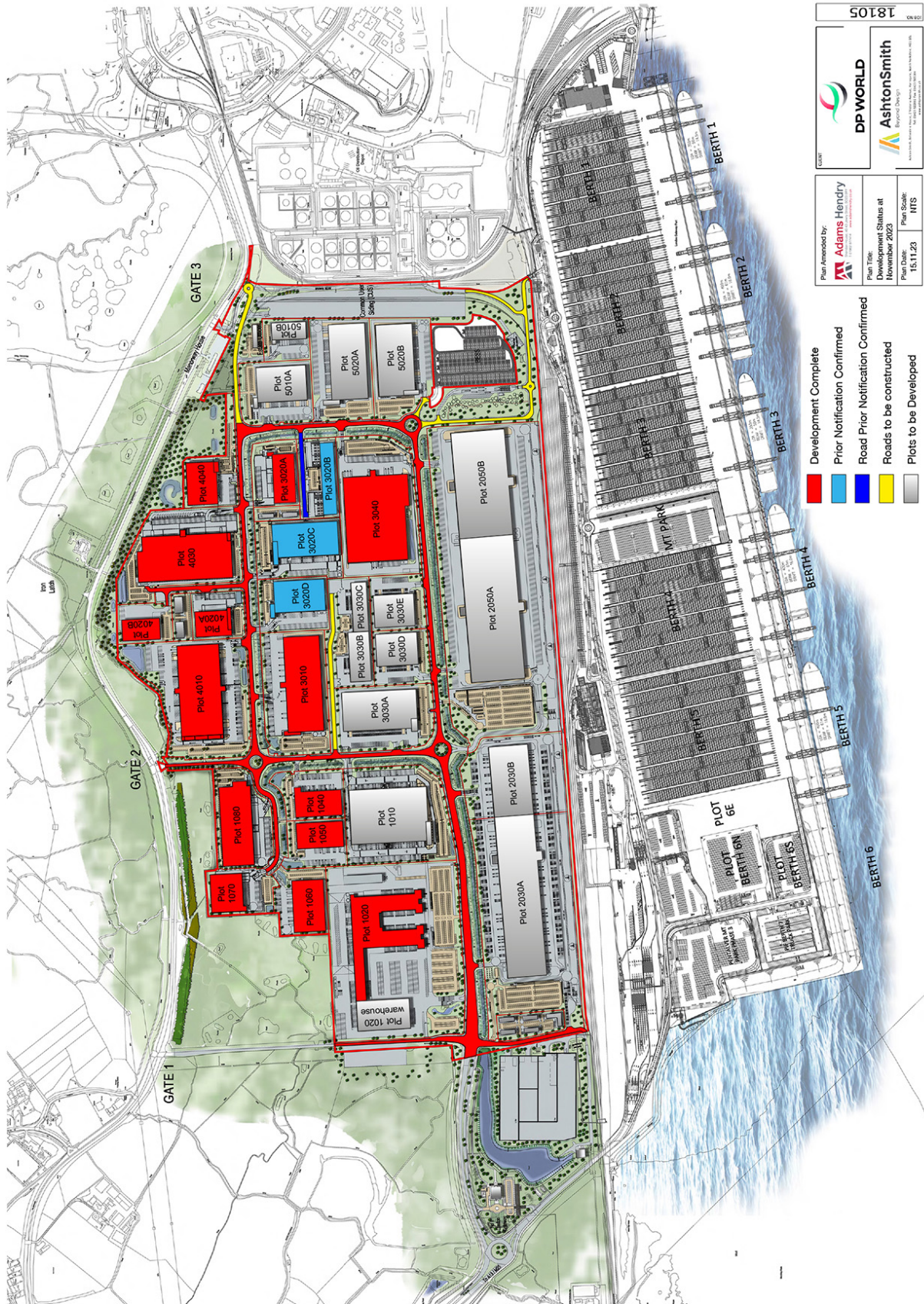
the expectation that Thurrock is well placed to accommodate a significant proportion of any displaced industrial activities, particularly distribution.

- 3.15 The Local Plan Initial Proposals Document published in December 2023, identifies the key industries in the Borough as logistics and warehousing, construction and retail. The strength of these sectors reflects some of Thurrock's key locational advantages, such as its close proximity to London and access to global markets which make it an attractive proposition for continued inward investment and job creation.
- 3.16 Thames Freeport was designated in March 2021 as a catalyst for change in Thurrock. There are specific areas within this zone, including London Gateway Logistics Park, which have been designated as either tax sites or customs sites. These designations offer a package of investment and tax incentives or simplified customs arrangements to entice new businesses to locate within them.
- 3.17 The development of London Gateway as a Port and as a centre for logistics and commercial development has been supported at the highest level of Government for many years and is now embedded in Thurrock's Core Strategy. The implementation of the development through an LDO, as the primary planning context for delivery, will help to secure long awaited and significant economic growth in Thurrock, the wider Essex area and meet national economic priorities. The objectives of the LDO are in line with the Council's aspirations and policies for London Gateway.

4.0 Description of Development

- 4.1 LDO1.5 will permit, subject to a range of controls, a total of 422,225m² of commercial floorspace (the majority of which is already operational or consented) including storage and distribution (warehouse), research and development and industrial accommodation – together with ancillary uses and a range of supporting servicing facilities, plant, landscaping and associated infrastructure.
- 4.2 The LDO is in four main parts (set out in Schedule 1), which permit:
- Part 1: Erection of buildings - the erection, extension, or alteration of warehouse (B8), general industrial (B2), research and development and/or light industrial buildings (E(g)(ii) and E(g)(iii)) and/or office buildings (E(g)(i)). Class B8 floorspace not to exceed 411,439m²; Class B2/E(g)(ii) and E(g)(iii) floorspace not to exceed 7,586m² and Class E(g)(i) not to exceed 3,200m²;
 - Part 2: Changes of use of buildings within the range of permitted classes above (with any changes not to result in the above limits being exceeded);
 - Part 3: Associated infrastructure, including – internal access roads, vehicle parking and servicing, hard and soft landscaping, foul and surface water drainage infrastructure, vehicle refuelling and washing facilities, utilities infrastructure (telecoms, gas, electricity, water), CCTV and lighting;
 - Part 4: Site preparation works – including remediation and land raising.
- 4.3 The four parts of LDO1.5 are each subject to specific limitations and conditions. Schedule 2 also sets out general conditions applicable to all development under LDO1.5. In addition LDO is subject to specific controls in the compliance documentation: the Design Code, Code of Construction Practice, Ecological Mitigation and Management Plan and Travel Plan.
- 4.4 Taken together with the matters set out in section 5, including the S.106 obligations, these allow the Logistics Park to be developed without further need for planning permission, over its lifetime or until LDO2 is made whichever is the soonest.
- 4.5 The Council believes that LDO1.5 is an effective, expedient and proportionate way of continuing to deliver its economic objectives set out in the Core Strategy by enabling a limited amount of additional B8 development on the Logistics Park pending the preparation of LDO2 which will enable the completion of the Park. The Council further believes that there are adequate procedural and substantive safeguards set out in LDO1.5 as described in this Statement and set out in full in the LDO and its compliance documents.

Figure 2 – Development Status of the Logistics Park as of November 2023



5.0 Conditions, Controls and Legal Agreement

- 5.1 Development to be permitted by Schedule 1 of the London Gateway LDO1.5 will be subject, in each case, to the restrictions and conditions set out in the relevant Part of Schedule 1. Schedule 2 of LDO1.5 sets out further general conditions that will all apply to all classes of development.
- 5.2 These conditions are in place to ensure that the development proceeds in an appropriate manner to deliver the objectives of the LDO; and to ensure the delivery of a high quality and sustainable development supported by the necessary infrastructure and services.
- 5.3 LDO1.5 will not grant planning permission for any development which would be likely to have a significant effect on a European site (i.e. a Special Protection Area under the Birds Directive or a Special Area of Conservation under the Habitats Directive) or a European offshore marine site. Further the LDO will not grant planning permission for any development affecting a listed building or development which is Schedule 1 development within the meaning of Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).
- 5.4 Various Codes and Plans are referred to in the conditions accompanying LDO1.5. These compliance documents set out detailed guidance to control overall design quality, construction management practices, ecological mitigation and management and travel planning measures related to the Logistics Park. These ensure that the LDO fulfils the requirement to enable delivery of an acceptable and sustainable development.
- 5.5 Development permitted by LDO1.5 must accordingly comply with the requirements set out within the compliance documents:
- The London Gateway Logistics Park LDO1.5 Design Code;
 - The London Gateway Logistics Park LDO1.5 Code of Construction Practice (CoCP);
 - The London Gateway Logistics Park LDO1.5 Ecological Mitigation and Management Plan (EMMP); and
 - The London Gateway Logistics Park LDO1.5 Travel Plan (TP).
- 5.6 The Design Code sets out the minimum applicable standards to be applied to the building plots, infrastructure and amenity space on site and, amongst other things restricts the locations of certain types of buildings as well as their maximum height. Its purpose is to establish the parameters for the development and to ensure that a high and consistent standard of design is maintained throughout the Park to provide a sustainable and stimulating working environment whilst at the same time enabling the diverse commercial requirements of individual occupiers to be met.
- 5.7 With these measures in place the submitted Heritage Statement demonstrates that if there is any harm at all on the setting and significance of listed buildings or the conservation areas, this is at worst at the low end of the less than substantial harm spectrum. Having regard to the duty under s.66 of the Planning (Listed Building and Conservation Areas) Act 1990 and the provisions

of the NPPF, LDO 1.5 is promoted on the basis that any such harm is clearly outweighed by the considerable public benefits of the development which the LDO permits.

- 5.8 The CoCP provides a framework for compliance for all site preparation and construction works. It establishes site-wide codes of practice and protocols, detailed work methodologies and provides a framework for the management of environmental impacts including specific control measures for managing noise levels, air quality, water resources, ecology and archaeology. All necessary environmental permits, licences and regulatory notifications will still have to be obtained.
- 5.9 All ecological mitigation and other associated on and off-site works and improvements (including the provision of off-site habitats) required by LDO1 to facilitate the development permitted have been completed. The LDO1.5 EMMP includes a requirement for continued mitigation, management and surveillance and sets out monitoring protocols for terrestrial ecology in off-site and on-site locations (and to the extent they are not already implemented, continues to require on-site and off-site habitat creation and management measures). These are secured through a combination of conditions and S.106 obligations.
- 5.10 The LDO1.5 Travel Plan sets out measures to reduce the impact of Logistics Park traffic on local communities and the local and strategic road network and to promote sustainable modes of transport for employees and freight.
- 5.11 An agreement under Section 106 of the Town and Country Planning Act 1990 (the s.106 Agreement), between the Council and the owners of the Logistics Park, will be entered into, before LDO1.5 is made, to ensure, primarily, that the off-site highway infrastructure improvements and/or mitigation necessary to support the development will be delivered when required.
- 5.12 The S.106 Agreement also secures compliance with the Travel Plan and sets out obligations in relation to the long term monitoring of environmental matters covered in the EMMP.

6.0 Duration of LDO1.5

- 6.1 LDO1.5 would be active for a period of one year from the date it is made unless LDO2 is made prior to that expiry date, in which case it would expire on adoption of that Order. This is to allow a limited amount of floorspace to be developed on site to meet current commercial requirements. Following the end of this period, LDO1.5 will cease to apply.
- 6.2 Any proposed amendments to the Order following review by the Local Planning Authority will be subject to the consultation procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or its successor).
- 6.3 Development started under the provision of LDO1.5 prior to its expiry can be completed following the expiry of LDO1.5.
- 6.4 The developments that have taken place under the LDO1.5 will be allowed to continue to operate but no new development will be allowed under the terms of LDO1.5 following its expiry. Such new development would require separate planning permission in the normal course in the event LDO2 has not been made.

7.0 Prior notification of development

- 7.1 Notification of proposed development under LDO1.5 must be made by the Logistics Park developers to Thurrock Council prior to the commencement of development using the London Gateway LDO Prior Notification of Development Form (appended to the LDO).
- 7.2 Thurrock Council will confirm in writing, within 28 days of receipt of the completed prior notification of development form, that:
- a) the proposed development is permitted under the terms of the LDO and therefore can proceed without the requirement for a planning application, or
 - b) whether a separate planning application is required as the proposed development is beyond the scope of the LDO, or
 - c) further information is required, specifying the required details and reasons for them.
- 7.3 Failure of the local planning authority to respond in writing within the 28 day period will be deemed as confirmation that the proposal is compliant with the provisions of the LDO.

8.0 Monitoring

- 8.1 The LDO will be subject to regular and continuous monitoring to assess its effectiveness. The monitoring scheme will allow the Local Planning Authority to:
- check and monitor the development's compliance with LDO1.5 and Section 106 obligations; and
 - collect data to enable the LPA to measure the achievement of LDO1.5 in delivering national and local growth, economic and regeneration objectives.
- 8.2 The Logistic Park developers will be obliged to supply the Council with an annual monitoring report, which will comprise data on such topics as:
- Total number of jobs on-site (FTE)
 - Floorspace by Use Class and plot
 - Amount of vacant floorspace
 - Employee car usage
 - Car parking spaces by plot
 - Operational lorry parking by plot
 - Relationship to Port (% of activity)
 - Road/rail freight share
 - Achievement of BREEAM standards.
- 8.3 Separate further monitoring as to traffic impacts will be required under the Travel Plan and environmental monitoring will be required under the EMMP.
- 8.4 Monitoring of the LDO will be reported in the Council's Annual Monitoring Report (AMR), if maintained.

9.0 Revocation of the LDO

- 9.1 The Local Planning Authority (LPA) may exercise its powers to amend or withdraw the Order (provided by section 61A [6] of Planning and Compulsory Purchase Act 2004) at any time. The Council would do so if, in the Council's view, LDO1.5 had consistently failed to meet the objectives in making the LDO as set out at Section 1 of this Statement of Reasons, and it is considered that amendments to the Order would not overcome this, or, if changes in material considerations require LDO1.5 to be revoked, amended or revised.
- 9.2 Should the local authority determine that LDO1.5, in part or in whole, will be revoked or amended or revised, it will give the landowner(s) and any other interested parties a minimum of 6 months notice prior to any such revocation, amendment or revision.
- 9.3 In pursuance of the Town and Country Planning Act s.61D, development that has commenced lawfully before this Order is revoked, amended or revised (as the case may be), may be completed notwithstanding that the effect of the revocation, amendment or revision is to withdraw permission for the same.

10.0 Preparation of the LDO

- 10.1 LDO1.5 has been prepared in accordance with s.61A to 64D of, and Schedule 4A to, the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended); and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). In accordance with the legislative requirements, Thurrock Council issued a Screening Opinion on 20th October 2023 determining that an Environmental Impact Assessment was not required to support LDO1.5.
- 10.2 Thurrock Council has obtained independent legal advice at all stages of the preparation of the LDO and accordingly the Council is satisfied that the LDO fully complies with the necessary legislative requirements.
- 10.3 The preparation of LDO1.5 included both informal consultation - mainly with statutory and technical consultees - during the drafting of the Order and a formal period of consultation. The consultation included the compliance documents and supporting strategies.
- 10.4 A series of technical assessments and surveys were undertaken on behalf of the Council to inform the LDO process. These included the preparation of a report to inform a Habitats Regulations Assessment carried out for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) ("Habitats Regulations"). LDO1.5 is supported by key compliance documents: a Design Code, a Code of Construction Practice, an Ecological Mitigation Management Plan and a Travel Plan. These, in turn, are informed by a series of technical strategy documents and assessments, including a Flood Risk Assessment, Transport Statement and Heritage Statement. LDO1 was supported by other technical documents namely on drainage, landscaping and lighting. As these strategies have now been implemented, it was not considered necessary to revisit them.
- 10.5 Preparation of LDO1.5 has involved a partnership between London Gateway Park Development Limited, the Logistics Park promoters, and Thurrock Borough Council, as local planning and highway authority.