

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

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

1.0 INTRODUCTION AND BACKGROUND

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

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

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

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

2.0 ASSESSMENT

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

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

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

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

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

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

3.0 RECOMMENDATION

- 3.1 That the Planning Committee agree:
- i) To not defend reason of refusal 8, and

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>