

Planning Committee Report

ITEM NUMBER:	10
PLANNING COMMITTEE DATE:	19 December 2024
REFERENCE NUMBER:	24/00984/LDO
LOCATION:	London Gateway Logistics Park

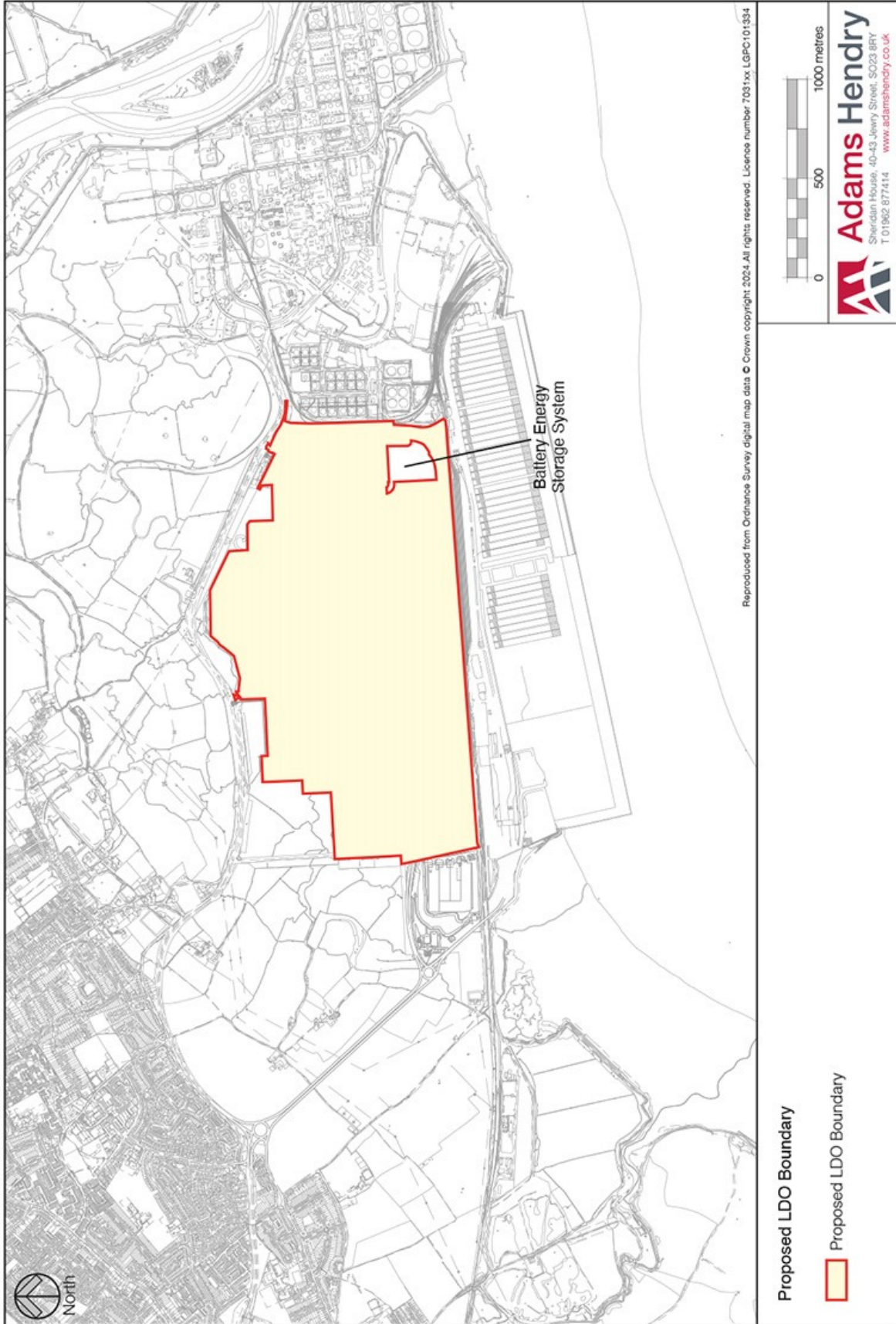
Executive Summary:

Local Development Orders (LDOs) provide permitted development rights for specified types of development in defined locations. The original LDO for London Gateway Logistics Park was made in 2013 (known as 'LDO1'). Following its expiry, an interim LDO was made in February 2024 (known as 'LDO1.5'). LDO2 is now proposed to continue to help accelerate the delivery of appropriate development on the remainder of the Logistics Park. This will allow up to 733,776 m² of commercial floorspace and amenity uses on the site of which 412,326m² is already completed or committed under LDO1 and LDO1.5 with 321,450 m² of commercial floorspace remaining to be consented.

As the "competent authority" the Council under the Conservation of Habitats and Species Regulations 2017 (as amended) is required to determine if a plan or project may have an adverse impact on a site designated under the same (or preceding Regulations) prior to any consent or permission being determined. The process of undertaking this assessment is known as a Habitats Regulations Assessment (HRA).

The 'Report to Inform a Habitats Regulations Assessment: London Gateway Logistics Park Local Development Order 2.0' dated August 2024 has been prepared to provide information to the competent authority and has been scrutinised by Natural England as the statutory nature conservation body. It is recommended on the basis of the information available, that the Council formally determines that the proposed development to be permitted by LDO2 will not adversely affect the integrity of a European site or a European offshore marine site either alone or in combination with other plans or projects.

SITE LOCATION PLAN:



PROPOSAL:	Consideration of Habitats Regulations Assessment (HRA) for London Gateway Logistics Park Local Development Order 2 (2025) (LDO2) to grant permission for up to 733,776sqm of commercial and amenity floorspace.
APPLICANT:	Prepared by Thurrock Council
AGENT:	N/A
EXPIRY DATE:	N/A
EOT EXPIRY DATE:	N/A
CASE OFFICER:	Rachel Murrell (consultant)
NOTATION:	
REASON THIS APPLICATION IS ON THE AGENDA:	To determine whether or not to adopt LDO2 which has been delegated to the Planning Committee

1. **APPLICATION OVERVIEW**

- 1.1** 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.
- 1.2** The Council made the original LDO for the Logistics Park in 2013 (known as 'LDO1'). LDO1 expired in November 2023 and, as an interim measure, LDO1.5 was made in February 2024 to meet an identified commercial need. The purpose of LDO2 is to continue to help accelerate the delivery of appropriate development on the remainder of the Logistics Park, particularly where it will promote economic, social or environmental gains for the area.
- 1.3** Under the Conservation of Habitats and Species Regulations 2017, as amended, ("the 2017 Regulations") a Habitats Regulations Assessment (HRA) is required to identify any likely significant effects the proposed development may have on internationally significant designated sites of nature conservation importance. The identified sites are the Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar site and the Benfleet & Southend Marshes SPA and Ramsar site.

- 1.4 As the “competent authority” the Council is required to determine if LDO2 will adversely affect the integrity of a European Protected Site, either alone or in combination with other plans or projects prior a decision on whether to make LDO2.

2. **RECOMMENDATION**

- a) Note the content of the “Report to Inform a Habitats Regulations Assessment London Gateway Logistics Park Local Development Order 2.0” dated August 2024 and the consultation responses received;
- b) Formally determine, on the basis of the information available, that the development proposed by LDO2 will not adversely affect the integrity of a European site or a European offshore marine site either alone or in combination with other plans or projects.

3. **PROPOSAL**

- 3.1 LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that local planning authorities can use to help accelerate the delivery of appropriate development in the right places.
- 3.2 LDO2 is proposed to allow up to 733,776 m² of commercial floorspace and amenity uses at London Gateway Logistics Park of which 412,326m² is already completed or committed under LDO1 and LDO1.5 with 321,450 m² of floorspace remaining to be consented.

4. **SITE LOCATION AND DESCRIPTION:**

- 4.1 The London Gateway Logistic Park is a 220-hectare site located on the north bank of the Thames Estuary. The site is approximately 4 km east of the town of Stanford-le-Hope and 3 km south/south-east of the town of Corringham.
- 4.2 On the site of the former Shell Haven oil refinery, the Logistics Park has become a world leading logistics centre sitting alongside the London Gateway Port (‘the Port’), the UK’s fastest growing deep-sea container terminal. The Logistics Park comprises large warehouse buildings with associated surface car parking, service yards and landscaping.
- 4.3 The Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar site is located approximately 0.25km southeast of the LDO boundary and comprises extensive areas of grazing marsh as well as flooded clay and chalk pits. The Benfleet & Southend Marshes SPA and Ramsar site is approximately 6.9km northeast of the proposed

development and comprises extensive areas of saltmarshes, cockleshell banks, mud-flats and grassland.

5. SUMMARY OF STATUTORY CONSULTEE RESPONSES

5.1 Natural England

5.1.1 Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Thames Estuary & Marshes SPA/Ramsar site and Benfleet & Southend Marshes SPA/Ramsar site have been classified and have no objection to the issuing of the LDO.

6. CONSULTEE RESPONSES AND REPRESENTATIONS

6.1 The 'Report to Inform a Habitats Regulations Assessment: London Gateway Logistics Park Local Development Order 2.0' dated August 2024 (hereafter referred to as the HRA report) was subject to consultation under LDO2. This consultation exercise comprised a local newspaper advertisement, the posting of site notices, letters sent to nearby owner/occupiers and to consultees.

6.2 No representations regarding the content of the HRA report were received from consultees.

7. POLICY

7.1 Legislation

7.1.1 Regulation 80 of the Conservation of Habitats and Species Regulations 2017, as amended, ("the 2017 Regulations") applies to the making of a Local Development Order (LDO). This states that the assessment provisions apply to the making of an LDO. Regulation 63 requires that:

'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives'.

7.1.2 Regulation 63 of the 2017 Regulations further states that:

'In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).'

7.1.3 The 2017 Regulations include measures to establish and maintain a network of sites protecting habitats which in themselves are valuable as well as for the species they support. These sites form a network that across Europe is known as Natura 2000, and within the UK is now known as the National Site Network (NSN).

7.1.4 The application of the 2017 Regulations involves the precautionary principle; that plans and projects can only be permitted once it has been determined there will be no adverse effect on the integrity of a NSN site.

8. ASSESSMENT

8.1 Under the 2017 Regulations, an HRA is required to identify if a plan or project is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects). Where likely significant effects are identified, it is necessary to assess the likely significant effects of the proposal in more detail and identify ways to avoid or minimise any effects.

8.2 Four relevant habitat sites are identified within 10km of the proposed development:

- Thames Estuary and Marshes Special Protection Area (SPA) lies approximately 0.25km south west of the proposed development, at its closest point, and is designated for the Annex I bird species: avocet (*Recurvirostra avosetta*) and hen harrier (*Circus cyaneus*). The site also qualifies for migratory species ringed plover (*Charadrius hiaticula*), grey plover (*Pluvialis squatarola*), dunlin (*Calidris alpina alpina*), knot (*Calidris canutus islandica*), black-tailed godwit (*Limosa limosa islandica*) and redshank (*Tringa tetanus tetanus*).
- Thames Estuary and Marshes Ramsar Site covers a similar area as the SPA and is a complex of brackish, floodplain grazing marsh ditches, saline lagoons and intertidal saltmarsh and mudflat. These habitats together support internationally important numbers of wintering waterfowl. The saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.
- Benfleet and Southend Marshes SPA lies approximately 6.9km north of the proposed development and qualifies as a wetland of International importance by supporting wintering waterfowl of species such as dark-bellied brent geese (*Branta bernicla bernicla*), grey plover, knot, ringed plover and dunlin.

- Benfleet and Southend Marshes Ramsar Site covers the same areas as the SPA and comprises an area of intertidal mudflats, saltmarsh, scrub and grassland. The site supports internationally important wintering populations of migratory waterfowl species.

8.3 Natural England are satisfied that the HRA has considered all relevant protected sites.

8.4 The HRA process for LDOs consists of three stages, each stage being informed by the one preceding, to ensure an iterative and objective assessment. If the conclusion of 'Stage 1: Screening Assessment' is that there will be no likely significant effects on any features of a habitat site, there is no requirement to undertake further stages. Similarly, if the 'Stage 2: Appropriate Assessment' concludes there will be no adverse effect on the integrity of the habitat site, then the assessment is concluded. 'Stage 3: Assessment of Alternative Solutions' examines alternative ways of achieving the objectives of the project that avoid adverse effects on the integrity of the habitats site. This is only carried out if the earlier stages are not passed.

Stage 1: Screening Assessment

8.5 The following potential impact pathways resulting from construction and operational phase activities proposed under LDO2 have been identified:

- Noise and visual disturbance of qualifying bird species/populations;
- Loss of individual wetland plant and invertebrate species during site clearance;
- Changes in species distribution caused by loss of suitable habitat;
- Accidental introduction of invasive species;
- Pollution of habitats as a result of atmospheric nitrogen deposition and air-borne dust;
- Pollution of habitats as a result of run-off of chemicals or sediment; and
- Changes in the turbidity of water as a result of sediment run-off.

8.6 Noise, dust, water pollution and changes in the turbidity of water are potential impact pathways that are considered to have likely significant effects.

8.7 The possibility of in combination effects with other developments has also been investigated. The following developments were screened for further investigation at the Appropriate Assessment Stage. These are:

- Construction of Berth 5 & 6 at the Port (adjacent to the site).

- Construction of a 2nd railway terminal at the Port (adjacent to the site).
- Construction of gas-fuelled standby electricity generation plant to supply the National Grid at Stanhope Industrial Park (0.66km west of the site).
- Commercial development at site of former Coryton Oil Refinery (2.17km east of site) – *awaiting planning decision*.

Stage 2: Appropriate Assessment

- 8.8** The Appropriate Assessment process in the ‘Report to Inform a Habitats Regulations Assessment: London Gateway Logistics Park Local Development Order 2.0’ dated August 2024 concluded that, the risk of noise and water pollution and in-combination effects have the potential to affect the qualifying features and contravene the conservation objectives of the relevant sites, if no mitigation measures are implemented.
- 8.9** The London Gateway Logistics Park Code of Construction Practice (CoCP) and Design Code have essentially been in place since LDO1 was made in 2013. These compliance documents have been updated as necessary and will apply for the duration of LDO2. Measures relating to control of water quality, dust, and noise detailed within the CoCP and Design Code are considered sufficient to mitigate against any likely significant effects on the relevant sites.
- 8.10** The HRA report concluded that, subject to the measures set out in the CoCP and Design Code being secured, development approved under LDO2 will be very unlikely to contravene the conservation objectives of any of the relevant designated sites, either alone or in-combination with other plans or projects. As such, Assessment of Alternative Solutions (Stage 3) has not been carried out.
- 8.11** As the “competent authority” the Council has consulted Natural England who are the statutory nature conservation body. Natural England have confirmed that works undertaken in strict accordance with the submitted details are not likely to have a significant effect on the interest features for which Thames Estuary & Marshes SPA/ Ramsar site and Benfleet & Southend Marshes SPA/Ramsar site have been classified and have no objection to the making of LDO2.
- 8.12** As such, on the basis of the information available, it is considered that the development proposed by LDO2 will not adversely affect the integrity of a European site or a European offshore marine site either alone or in combination with other plans or projects.

ADDITIONAL DUTIES

9.1 Public Sector Equality Duty

- 9.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.
- 9.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.1.3** Due consideration has been made to The Equality Act 2010 during the preparation and consideration of LDO2 and no conflicts have been raised.

9.2 Human Rights

- 9.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the preparation and consideration of LDO2.

10 CONCLUSION

- 10.1** The making of LDO2 requires a HRA and if necessary an Appropriate Assessment to be undertaken by the Council as the 'competent authority'. Whilst there is potential for negative impacts to be caused by the development, the Council as competent authority has been advised by Natural England that these impacts can be mitigated sufficiently so that the proposed development to be permitted by LDO2 will not adversely affect the integrity of a European site or a European offshore marine site either alone or in combination with other plans or projects.
- 10.2** The development must be undertaken strictly in accordance with the submitted details. The terms of LDO2 will secure the necessary and recommended mitigation.

11. RECOMMENDATION(S)

- 11.1** That Planning Committee:
- (i) Note the content of the "Report to Inform a Habitats Regulations Assessment London Gateway Logistics Park Local Development

Order 2” dated August 2024 and the consultation responses received;

- (ii) Formally determine, on the basis of the information available, that the development proposed by LDO2 will not adversely affect the integrity of a European site or a European offshore marine site either alone or in combination with other plans or projects.