

Planning Committee Report

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

Executive Summary:

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 together, form London Gateway.

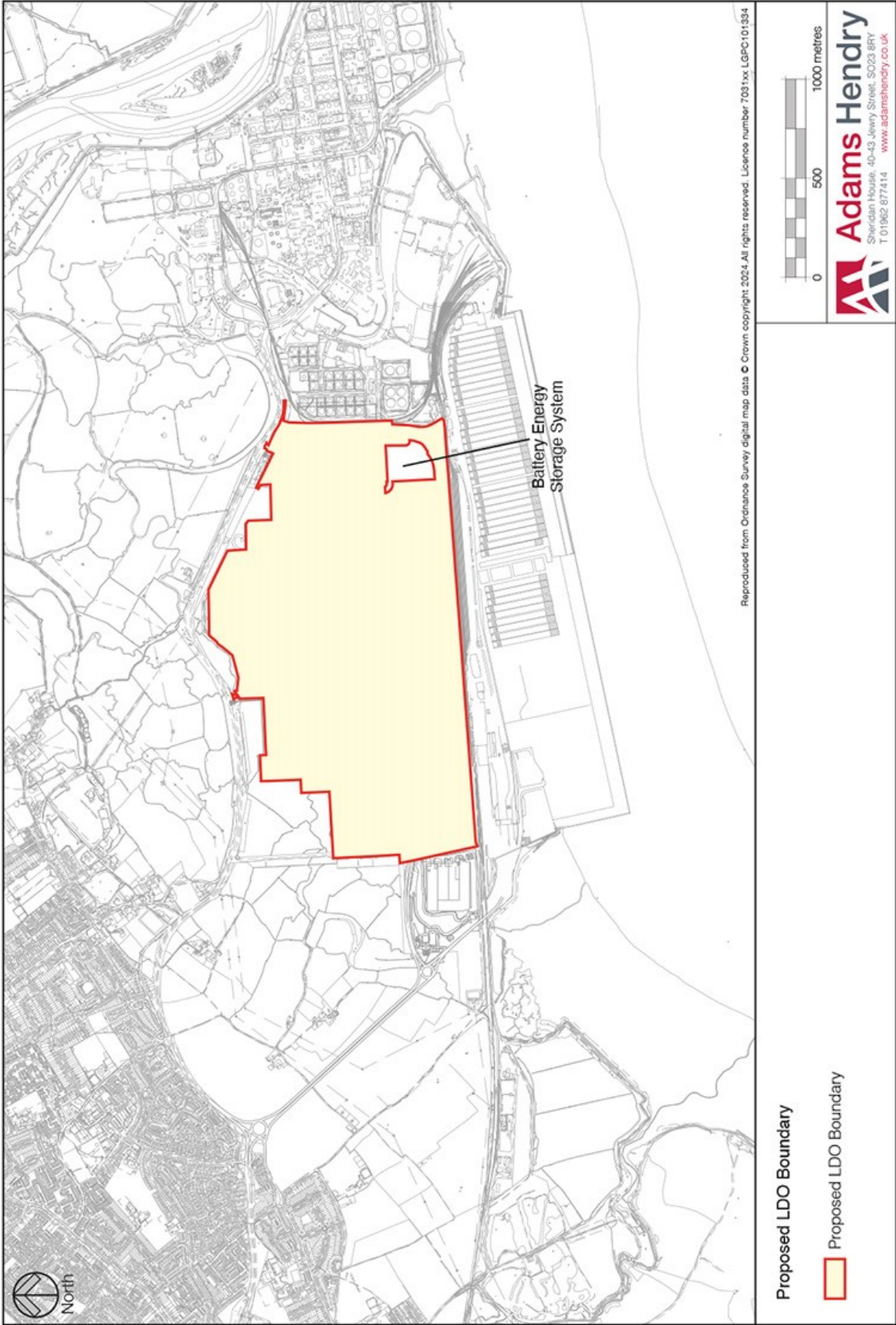
Local Development Orders (LDOs) provide permitted development rights for specified types of development in defined locations. The original LDO for London Gateway Logistics Park was made in 2013 (known as 'LDO1') and granted planning permission for a total of 829,700m² of commercial floorspace together with ancillary uses and a range of supporting servicing facilities, plant, landscaping and infrastructure. LDO1 expired in November 2023 with 337,225m² of commercial floorspace completed or committed. An interim LDO was made in February 2023 (known as 'LDO1.5') and permits up to 85,000m² of B8 floorspace. LDO1.5 expires on the making of LDO2 or within 12 months, whichever is the sooner.

LDO1 and LDO1.5 have been successful in streamlining the planning process by removing the need for developers to make a planning application. 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.

It is recommended that LDO2 is made to 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.

SITE LOCATION PLAN:



PROPOSAL:	To make the London Gateway Logistics Park Local Development Order 2 (2025) (LDO2) granting planning permission for up to 733,776sqm of commercial floorspace and amenity uses of which 412,326 sqm is already consented by previous LDOs for the site.
APPLICANT:	Prepared by Thurrock Council
AGENT:	N/A
EXPIRY DATE:	N/A
EOT EXPIRY DATE:	N/A
CASE OFFICER:	Rachel Murrell (consultant)
NOTATION:	N/A
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** A report was presented to Planning Committee on 9 February 2023 to delegate authority to the Local Planning Authority (LPA) to progress with the preparation of London Gateway Logistics Park Local Development Order 2 (hereafter referred to as ‘LDO2’).
- 1.2** The original Local Development Order (LDO) made in 2013 (‘LDO1’) and interim LDO (known as ‘LDO1.5’) made in February 2024 have been successful in simplifying the planning consenting regime for development at the Logistics Park. They have offered clear commercial benefits to the operator DP World London Gateway (DPWLG) and potential occupiers who have been able to proceed with development on-site in a relatively short space of time.
- 1.3** LDO1 expired in November 2023 and LDO1.5 will expire either in February 2024 or when LDO2 is made, whichever is sooner. It is proposed that LDO2 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.

- 1.4 The decision to delegate consideration of LDO2 to the Planning Committee was made following a report to Cabinet on 8 November 2023 and Full Council on 29 November 2023.

2. **RECOMMENDATION**

- a) Note the Council's earlier decision (if that be the case) that the development to be authorised by the London Gateway Logistic Park Local Development Order 2 ("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.
- b) That the Chief Planning Officer be authorised to make LDO2 subject to the signing of the s106 legal agreement.
- c) Note requirement for Council to advise the Secretary of State that LDO2 is made.

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. LDOs can help enable growth by positively and proactively shaping sustainable development in their area. They can play an important role in incentivising development by simplifying the planning process and making investment more attractive.
- 3.2 The purpose of LDO2 is to continue to deliver appropriate development on the remainder of the Logistics Park to promote economic, social or environmental gains for the area (in line with the objectives of LDO1). It will provide greater flexibility and certainty to developers, occupiers and other users of the Logistics 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 in the public interest.
- 3.3 LDO2 is proposed to establish permitted development allowances for 733,776 m² of commercial floorspace and amenity uses (of this, 412,326 m² 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. LDO2 is also proposed to permit up to 3,500m² of outdoor sports facilities and 4,468m² of HGV refuelling and washing facilities. This is set out in more detail in paragraph 3.7.

- 3.4** In accordance with Article 38 (1) in the Town and Country Planning (Development Management Procedure) Order 2015, the LPA must prepare a draft of the Order and a Statement of Reasons for making the Order. These are appended to this report.
- 3.5** The boundary of LDO2 is the same as LDO1.5. This was similar to LDO1 but excluded land known as the 'Tongue Land' in the southwestern corner of the Logistics Park as the infrastructure works had been completed and no further development was proposed in this area. Additional land (approximately 7ha) was also included around the former Gateway Energy Centre reflecting the reduced land requirement for the Battery Energy Storage System (BESS) on this site.
- 3.6** The development to be permitted by LDO2 will be subject to conditions and limitations forming Schedule(s) to the Order and will be in four parts comprising:
- 3.7** Part 1: Erection of Buildings or Outdoor Sports Facility
- The erection, extension, or alteration of warehouse (B8) (not to exceed 686,764m²); general industrial (B2), research and development and/or light industrial buildings (E(g)(ii) and E(g)(iii)) (not to exceed 29,832 m²); office buildings (E(g)(i)) (not to exceed 11,680m²); food and drink establishments (E(b)) (not to exceed 1,500 m²); gym (E(d)) (not to exceed 1,000m²); creche/day nursery (E(f)) (not to exceed 1,500m²) and shop premises not exceeding 280 m² and where there is no such other facility offering the same or similar range of goods and/or services within 1km (F(2)(a) not to exceed 1,500m²).
 - The erection of an outdoor sports facility (Use Class F2(c)) (not to exceed 3,500m²).
- 3.8** Part 2: Change of Use
- The change of use of buildings within the range of permitted classes above (with any changes not to result in the above limits being exceeded).
- 3.9** 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.
- 3.10** Part 4: Site Preparation Works
- Including remediation and land raising.

3.11 The conditions also refer to compliance documents which give additional detailed controls. These documents comprise:

- The London Gateway Logistics Park LDO2 Design Code: The Design Code sets out the minimum standards to be applied to the building plots, infrastructure and amenity space on site developed pursuant to LDO2. Its purpose is to ensure that a high and consistent standard of design is maintained throughout the logistics park to provide a sustainable and stimulating working environment whilst at the same time enabling the diverse requirements of individual occupiers to be met.
- The London Gateway Logistics Park LDO2 Code of Construction Practice (CoCP): This document provides a framework for compliance for all site preparation and construction works and applies to all parties involved in the construction of development permitted under LDO2. 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, and impacts upon air quality, water resources, ecology and archaeology.
- The London Gateway Logistics Park LDO2 Ecological Mitigation and Management Plan (EMMP): This document provides a framework for compliance identifying mitigation, management, surveillance, and monitoring protocols for terrestrial ecology in the off-site habitat creation areas.

3.12 The London Gateway Logistics Park LDO2 Travel Plan is secured through the s106 legal agreement. This document includes a range of measures to reduce the impact of the development on local communities and the strategic and local highways networks through encouraging greater use of modes of sustainable transport, minimising movements by road, particularly during peak periods and reducing local traffic impacts.

3.13 All documents have been updated from those published under LDO1 and LDO1.5 to take account of works that have been completed, lessons learned from the implementation of LDO1 and LDO1.5, and any changes in legislation. These documents are appended to the report. The date of these documents will be revised to reflect the date that LDO2 is made which is when the s106 legal agreement is signed.

3.14 LDO1.5 required the provision of a common user rail siding to the eastern side of the Park prior to the occupation of 415,000m² of development. It is no longer considered necessary to include a common user rail siding as the combined rail freight demand of both the Port and the Park can be adequately accommodated on the existing and consented rail terminals at the Port through the use of a shunting service. One of the terminals at

the Port is operational and the second is shortly to be commenced. LDO2 therefore no longer includes this requirement.

- 3.15** A 'Rail Safeguarding Area' continues to be provided covering the plots to the south of the Park. This is to ensure that no development takes place within this area that would prejudice the provision of rail access to the national rail network via the Thameshaven Branch Line.
- 3.16** As with LDO1.5, a restriction is included on the amount of floorspace that can be occupied as a 'High Intensity Parcel Service' i.e. a business where the primary activity is the storage, packaging and delivery of parcels to residential and business users for and on behalf of multiple independent sellers. These uses generate higher traffic movements than other B8 uses and therefore LDO2 imposes a limit of 55,000 sqm for such uses noting that approximately 37,000 m² of this allowance has already been utilised by UPS's existing operations.

4. SITE LOCATION AND DESCRIPTION:

- 4.1** The London Gateway Logistics 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** Located 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 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 four berths of the Port are operational.
- 4.3** The site is bounded to the north by the Manorway (A1014). Beyond this is primarily grazing marshland interspersed by a network of reed-fringed drainage ditches and creeks.
- 4.4** The 'Haven Site' is located to the east which comprises a tank farm owned by Shell used to store aviation fuel, beyond which is the proposed Thames Enterprise Park (TEP) development.
- 4.5** To the south is the London Gateway Port Rail terminal and the Thameshaven Branch Line which extends to the TEP development to the east. Beyond this is the Port.
- 4.6** To the west of the site is grazing marsh and, some 2.5 km beyond, the town of Stanford-le-Hope. The town of Corringham is approximately 3km northwest of the Logistics Park.

4.7 The Logistics Park comprises large warehouse buildings with associated car parking, service yards and landscaping.

5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

5.1 LDO2 does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended (the 'EIA Regulations'). The necessity for an EIA for Schedule 2 projects is formally determined by the decision maker through a Screening Opinion, carried out under regulation 32 (in respect of a proposal to be permitted by an LDO) of the EIA Regulations.

5.2 The Council confirmed in a Screening Opinion dated 21 April 2023 that the proposals would be likely to have significant effects on the environment. On 10 January 2024, the Council adopted a Scoping Opinion which set out the information to be provided in the Environmental Statement (ES).

5.3 Accordingly, an ES has been prepared. The ES covers the following topics and needs to be read alongside LDO2:

Chapter 1: Introduction

Chapter 2: Site and Surroundings

Chapter 3: Needs and Alternatives

Chapter 4: Proposed Development Description and Construction Method

Chapter 5: EIA Process

Chapter 6: Socio-Economics

Chapter 7: Transport and Access

Chapter 8: Air Quality

Chapter 9: Noise and Vibration

Chapter 10: Ecology

Chapter 11: Climate Change

5.4 Regulation 26 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) requires that when determining an LDO for which an ES has been submitted, the relevant planning authority must:

- a) examine the environmental information;
- b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;
- c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and
- d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.

- 5.5** The ES provides assessments of potential significant environmental effects during construction and once LDO2 is complete and operational. Consideration has also been given to the cumulative effects of the proposed development.
- 5.6** The ES considers that there will be no significant effects in terms of transport and access, air quality, ecology and climate change.
- 5.7** The socio-economic effects of LDO2 on employment generation, skills of the workforce, supply chain effects and spending are set out in the ES. As a result of employment generation and increased spending in the local area, it is considered that LDO2 would result in a significant beneficial effect on the local economy.
- 5.8** With regard to noise and vibration, the expected change in road traffic noise due to the operation of the proposed development has been determined. The ES concludes that with embedded mitigation, including speed enforcement along the Manorway, the effects of road traffic noise from the operation of the proposed development would be not significant.
- 5.9** Taking into account the conclusions of the ES and the mitigation secured in LDO2 and the accompanying s106, there will be no significant effects on the environment.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
02/00084/OUT	Provision 938,601 m ² of commercial floorspace including B8 (storage and distribution), B2 (general industry), B1 (research and development and light industrial), external storage and 3.0 m high boundary security fencing.	Granted 30.05.2007
London Gateway Local Development Order 2013 (LDO1)	For up to 829,700 m ² of warehouse (Use Class B8), general industrial (Use Class B2), research and development (Use Class B1(b)) and / or light industrial buildings (Use Class B1(c))	Made November 2013
23/01083/SCR	Screening Opinion for LDO1.5	EIA not required 20.10.2023
London Gateway Local Development Order 1.5 (LDO1.5)	For up to 85,000 m ² of B8 floorspace	Made February 2024
23/00394/SCR	Screening Opinion for LDO2	EIA required

		21.04.2023
23/00672/SCO	Scoping Opinion for LDO2	10.01.2024

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 There has been engagement with statutory consultees through the development of LDO2.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Highway Authority

8.1.1 Thurrock Highways make the following comments:

- Assessment undertaken on a robust basis.
- Consultation documents reflect an agreed approach.
- Impact on Thurrock's road network not severe.
- Suitable mitigation/controls through conditions, s106 agreement and Travel Plan.

8.2 The Health & Safety Exec

8.2.1 No comments received.

8.3 Highways Agency

8.3.1 National Highways (NH) make the following comments:

- Impact on strategic road network assessed using agreed methodology.
- Need for improvement scheme to M25 at Junction 30. NH to be party to s106 and will be seeking agreement that threshold on floorspace that can be occupied until mitigation works delivered.
- Request clarification on whether the full draft Travel Plan will form part of the s106. The Travel Plan required to manage down the traffic impact of the development on the local and strategic road network, by incentivising the use of sustainable modes of transport.
- Request to see draft s106 to have opportunity to influence a comment on final version but draft not seen.
- Look forward to ongoing engagement – particularly agreement of the s106.

8.4 Local Flood Authority

8.4.1 Thurrock Council as Lead Local Flood Authority (LLFA) have requested the following non-material updates to Design Code:

- References to guidance documents relating to surface water drainage.

- Containment of flood water in low-risk areas to avoid flooding of internal property.
- Pollution Prevention Plan (PPP) to minimise the risk of remobilisation of, and washout of any pollutants such as sediment.

8.4.2 Require plans of surface water drainage infrastructure to be provided to LLFA for their records.

8.5 Railway

8.5.1 No comments received.

8.6 Environment Agency

8.6.1 No objection. If satisfied the application passes the sequential and exceptions test, request a condition requiring ground floor levels no lower than 4.8 metres above Ordnance Datum (AOD).

8.7 Historic England

8.7.1 No comments received.

8.8 Natural England

8.8.1 Advise that if the proposal undertaken in strict accordance with the details submitted, it 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 as set out in the proposal.

8.9 Sport England

- 8.9.1
- Confirmed consultation response provides non-statutory advisory comments.
 - Note the limits to outdoor sports facilities in use class F2(c) to not exceed 3,500 m² would restrict a facility to a small artificial grass pitch (AGP).
 - Suggested amendments to Design Code to require AGPs, MUGAs, floodlights and ancillary building to be in accordance with relevant Sport England Guidance.

9. CONSULTEE RESPONSES

9.1 Thurrock Environmental Health

9.1.1 Air Quality

- Satisfied with methodology and findings for air quality in the ES.

Noise

- No objection provided all the mitigation and restrictions are complied with.

Contaminated Land

- No objection as consistent with previous requirements.

9.2 Place Services (Archaeology)

- 9.2.1** A system for addressing the archaeological impact of each development as it comes forward has been undertaken for previous LDOs and should continue with the present submission.

9.3 Anglian Water

- 9.3.1** To contact Anglian Water if require connection to foul drainage network.

9.4 BPA Pipelines

- 9.4.1** Works which involve the crossing or working within the easement of a pipeline requires written approval from BPA.

9.5 Brentwood Borough Council

- 9.5.1** Proposal would not raise strategic matters that could affect planning matters in the borough.

9.6 Dartford Borough Council

- 9.6.1** No objection.

9.7 Gravesham Borough Council

- 9.7.1** No objection.

9.8 Medway Council

- 9.8.1** No objection

9.9 Port of London Authority (PLA)

- 9.9.1** No objection.

10. REPRESENTATIONS

- 10.1** Site notice/s were displayed on site and 516 notifications letters were sent to nearby properties and 3 responses received. The application was also publicised in the local press.

10.2 Support

10.2.1 None

10.3 Object

10.3.1 Two representations from nearby owner/occupiers raising the following concerns:

- Already destroyed piece of ecologically important estuary marshlands.
- Affected water tables as it is built on flood plain.
- Damaged Thames with dredging.
- Caused noise and disturbance to residents.

10.3.2 Representation on behalf of TEP:

- Reduction in B2 floorspace/reduction in overall jobs not justified.
- Expect restrictions on insertion of mezzanines as TEP have restriction.
- LDO2 removes restriction on northern boundary plots so could be buildings up to 150,000 m² on this visible boundary.
- Not clear if building heights take account of raised ground levels. Also associated impacts if material brought to site (transport, flood risk)
- No longer includes railway and no measures to safeguard & enhance rail provision.
- No detail on how future link between LDO2 and TEP could be facilitated.
- A Technical Note is appended providing a comment on the TA including clarity on trip generation, robustness of modelling work, minimum requirements for scenario testing, traffic flow information, accounting for omitted development traffic, provide full assessment on M2 J30 model, need for multi modal trip forecast, need for enhancements through mitigation package.
- Reference EA objection and flood risk concern
- TEP committed development (resolution to grant) therefore should be included. Request detailed response that LDO2 considered TEP and changes from LDO1 to LDO2 do not adversely impact on the development parameters of TEP focusing on traffic/transportation, air quality, flood risk, ecology.
- Not clear how s106 sums calculated and how relate to LDO1.
- Should be an obligation to monitor movements at least 1 year post occupation.

10.4 Comments

10.4.1 The representations have been considered in the 'Material Considerations' section. Other matters are responded to below:

- LDO1 expired in November 2023. This is a new LDO to enable the continued development of the Logistics Park with proposed uses to meet anticipated market demand.
- Mezzanine floors contribute to gross internal floorspace unless solely to provide for safe and efficient access to stacked or stored goods. The requirements of the annual monitoring report have been updated to ensure information on mezzanine floors which contributes to the overall gross internal floorspace is provided.
- The plots adjacent to the northern boundary are now built and operational so there no prospect of a building up to the maximum permitted size of 150,000 m² coming forward in this part of the site.
- The CoCP shows existing and proposed site levels (Figure 3), prescribes methods of construction to raise ground levels and the measures necessary to protect from contamination and to protect underlying water (Section C and D).
- The Design Code specifies the maximum building heights (AOD) to be measured from the finished floor slab. The proposed change in ground levels has been factored into maximum proposed heights for the development zones.
- The quantity of construction material and waste arising during construction is set out in ES Chapter 4 and has informed all relevant assessments.
- None of the issues raised regarding the TA are material to the determination of LDO2 and they do not affect the conclusions.
- TEP has been considered as a committed development in the TA and ES.
- There is a commitment in the s106 agreement to ensure a link with TEP can be provided for buses.
- There is no dredging of the Thames proposed.

11. MATERIAL CONSIDERATIONS

11.1 Although LDO2 is not a planning application, it has been assessed against planning policy to ensure it aligns with local and national requirements. As such, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the development plan and all other material considerations identified in the “Considerations and Assessments” section of the report.

11.2 Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to 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 or, fails to preserve or enhance the character and appearance of the Conservation Area.

11.3 The Development Plan

11.3.1 The development plan comprises the Thurrock Core Strategy and Policies for Management of Development (Reviewed 2015) and any “saved” Policies of the Thurrock Borough Local Plan (1997)

12. POLICY

12.1 National Policies

12.1.1 National Planning Policy Framework (2023)

- Achieving Sustainable Development
- Decision-Making
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

12.2 Local Policies

12.2.1 Thurrock Core Strategy (as amended) Adopted January 2015 [Development Plan]

CSSP2	Sustainable Employment Growth
CSSP3	Sustainable Infrastructure
CSTP6	Strategic Employment Provision
CSTP9	Well-being: Leisure and Sports
CSTP10	Community Facilities
CSTP15	Transport in Greater Thurrock
CSTP16	National and Regional Transport Networks
CSTP17	Strategic Freight Movement and Access to Ports
CSTP19	Biodiversity
CSTP22	Thurrock Design
CSTP23	Thurrock Character and Distinctiveness
CSTP24	Heritage Assets and the Historic Environment
CSTP25	Addressing Climate Change
CSTP26	Renewable or Low-Carbon Energy Generation
CSTP27	Management and Reduction of Flood Risk
CSTP28	River Thames
PMD1	Minimising Pollution and Impacts on Amenity
PMD2	Design and Layout
PMD3	Tall Buildings
PMD4	Historic Environment
PMD7	Biodiversity, Geological Conservation and Development
PMD8	Parking Standards

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

12.3 Supplementary Planning Document or Guidance

12.3.1 Thurrock Design Guide: Design Strategy SPD (Adopted March 2017)

13. ASSESSMENT

13.1 The issues to consider in the determination of this application are:

- 13.2**
- A) Principle of development**
 - B) Transport and Highways**
 - C) Heritage**
 - D) Ecology and Nature Conservation**
 - E) Flood Risk**
 - F) Other Matters**
 - G) S106 Legal Agreement**

13.3 A) Principle of development

13.3.1 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 and beyond.

13.3.2 The adopted Core Strategy and Policies for Management of Development (2015) ('the adopted Local Plan') 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.

13.3.3 The Local Plan: Issues and Options (Stage 2), published in 2019, notes that the main employment sectors in the Borough are transport and logistics, port functions and retail. The strength of these sectors reflects some of Thurrock's key locational advantages, such as its close proximity to London and international gateways (ports and airports), which make it an attractive proposition for continued inward investment and job creation.

13.3.4 The Local Plan: Initial Proposals Consultation (Regulation 18) was published for consultation in December 2023 and, as it is in an early stage of development, is afforded limited weight in decision making. Notwithstanding this, it is noted that the draft document includes proposals for a western extension to the London Gateway Logistics Park

to provide land for future expansion. This land (part of Great Garlands Farm) was identified for ecological mitigation and management in connection with development permitted by LDO1 and LDO1.5 and secured by the EMMP. The HRA and EIA considered the effects of the development in the absence of this land being secured in the EMMP. The conclusions of both documents confirmed that the development could proceed without resulting in significant adverse environmental effects. There would therefore be no conflict with LDO2 if the site is allocated for development in the future.

13.3.5 The continued development of London Gateway as a Port and as a Logistics Park has been supported at the highest level of Government for many years and is embedded in Thurrock's Core Strategy. The objectives of LDO2 are in line with the Council's aspirations and policies for London Gateway.

13.4 B) Transport and Highways

13.4.1 Policy CSTP16 of the adopted Core Strategy sets out that the Council will work with partners to deliver improvements to national and regional transport networks to ensure growth does not result in routes being above capacity. Policy CSTP17 of the Local Plan provides support for economic growth by seeking to ensure sustainable, high quality and reliable freight access to the ports and other key employment locations is provided, whilst minimising the adverse impacts such activity might have on people, the environment and the transport system.

13.4.2 The site is accessed by the London Gateway Access Road onto The Manorway (A1014) via a four-arm roundabout which connects to the A13 approximately 3 km west of the site boundary at its nearest point. 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. Additional accesses located at Gates 1, 2 and 3 have been provided for use as emergency access only.

13.4.3 A Transport Assessment (TA) has been undertaken to inform the preparation of LDO2. The assessment of traffic impacts of the proposal in the TA considers the following assessment scenarios:

1. 2022 Survey Year.
2. 2026 Year of Opening Baseline.
3. 2026 Baseline + Full Development.
4. 2034 End of LDO Baseline.
5. 2034 Baseline + Full Development.

13.4.4 The forecast trip generation shows that full build-out of LDO2 would generate 689 two-way movements during the morning peak hour and 599 two-way movements in the evening peak hour. Over a 24-hour period, this equates to 8,175 two-way movements with around 36% being HGVs.

- 13.4.5** A comparison is made in the TA of the forecast trip generation for LDO1 and LDO2. The analysis shows that the forecast daily traffic generation for LDO2 has reduced by circa 3,200 two-way vehicle movements per day from that anticipated for LDO1. However, although the overall number of movements is less, the TA notes that there is anticipated to be a higher concentration of movements during the traditional peak hours and the pattern of movements across the day is materially different.
- 13.4.6** Based on the forecast trip generation for LDO2, capacity assessments were carried out in the TA of the following junctions:
- Five Bells;
 - The Sorrells/A1014 The Manorway;
 - The Manorway (A13 Junction);
 - Orsett Cock; and
 - M25 Junction 30.
- 13.4.7** The assessment scenarios include consideration with and without Thames Enterprise Park (TEP) and associated mitigation. TEP is considered in the TA as a committed development though it currently has no planning consent. The TA provides for a range of outcomes to ensure that the proposed mitigation reflects all scenarios. Thurrock Highways agree that the assessment scenarios are robust.
- 13.4.8** The analysis shows the southern and western roundabouts at Five Bells will operate within capacity in the future with the proposed development. The northern roundabout would be operating over capacity in the future without the proposed development and the impact of LDO2 would not be significant. The junction at Orsett Cock is assessed as operating within capacity in the future. In view of this, mitigation works are not required at either location.
- 13.4.9** In terms of the Sorrells/A1014 The Manorway junction, the TA confirms that the junction currently operates within capacity and there are no highway safety issues that would warrant mitigation as part of the proposals. The TA demonstrates that the development demand for LDO2 can be safely accommodated with or without the improvements works to the junction required to accommodate TEP demand.
- 13.4.10** However, the TA identifies that works are required to mitigate the traffic impacts of the development on the safety and efficiency of the locally strategic road network at the A13/The Manorway and the Trunk Road Network M25 Junction30.
- 13.4.11** At the A13/Manorway, improvement works are planned for the junction to accommodate TEP. Without the TEP demand and TEP mitigation, the junction will experience additional stress in the peak hour periods relative to the base. This is focused on the Manorway approach arm. Even without the development, the junction is operating close to capacity in the AM peak.

- 13.4.12** The proposed mitigation works at the A13/The Manorway comprise localised widening and reallocation of lane markings on the approach to the junction. As part of the works, the scheme will provide all necessary reassessment of the signal controller design. These works will be secured through the s106 agreement.
- 13.4.13** The TA provides a preliminary design of the improvement works to M25 J30 with the detailed scheme subject to further review before construction can commence. National Highways have advised that they will be seeking a clause in the s106 agreement to restrict occupancy above an agreed threshold prior to mitigation being delivered. The draft s106 agreement between DPWLG, Thurrock Council and National Highways will secure timely implementation of these works.
- 13.4.14** The Lower Thames Crossing (LTC) is being promoted by National Highways and has completed the examination stage of the Development Consent Order (DCO). The decision on the DCO application has been delayed and is now due by the 23 May 2025. LTC, if consented, would result in a step change in traffic flows and distribution across the transport network. The TA considers that if LTC does come forward, there would be no requirement to mitigate the impact of LDO2 at M25 Junction 30.
- 13.4.15** Access to the rail network for freight will be directly served by the existing and future rail terminal at the Port, outside of the LDO2 boundary. LDO2 will provide direct access to warehousing leaving the east terminal (which is built and operational) and the west terminal which is consented. Capacity identified in LDO1 (which included common user sidings) would have accommodated up to 20% of demand from the Park. The TA confirms there remains sufficient capacity to accommodate 20% of demand from the Park within the terminal on the Port.
- 13.4.16** As part of LDO2, an updated Travel Plan has been prepared. The document includes measures to ensure that individual occupiers prepare their own Travel Plans and will incorporate a commitment to reducing car use. The current car driver modal share target of 70% has been retained for the purposes of the Travel Plan. This will be secured through the s106 agreement.
- 13.4.17** The s106 agreement will make allowance for the Highway Amenity Fund to be used to address highway-related issues in the wards of Stanford-le-Hope, Corringham and Fobbing.
- 13.4.18** The improvements to national and regional transport networks and measures to be implemented to reduce reliance of the car will ensure that LDO2 does not result in unacceptable highways impacts in accordance with policy requirements.

13.5 C) Heritage

- 13.5.1** Policy CSTP23 and PMD4 of the adopted Local Plan seeks to protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place. The Council requires the retention and enhancement of significant natural, historic and built features as well as the retention and enhancement of strategic and local views, which contribute to a distinctive sense of place.
- 13.5.2** The impact of 829,700 m² of commercial development on the site was previously assessed as part of LDO1 which concluded that it would not result in significant adverse effects on heritage. A total of 412,326m² of development has been completed or is committed under LDO1 and LDO1.5. The proposals must now also be considered in the context of a site that is significantly developed.
- 13.5.3** A Heritage Impact Assessment (HIA) has been prepared to consider the impact of the development on historic assets and their setting. The historic assets comprise listed buildings and conservation areas, historic landscape and archaeology. A 1km study area has been used to identify heritage assets potentially affected by setting and construction impacts at the Logistics Park. Following a site visit, this was amended to incorporate further listed buildings where the setting may also be affected.
- 13.5.4** The Fobbing and Corringham Conservation Areas are deemed to be of medium heritage significance. The existing buildings and structures associated with the Logistics Park are visible from the southern part of both the Fobbing and Corringham Conservation Areas. The HIA sets out that although the construction of additional buildings at the Logistics Park is likely to alter current views, they will not substantially change the industrial elements within these views. As such, there will be a resultant minor negative change of slight significance which is considered to be on the lower end of the scale of less than substantial harm.
- 13.5.5** Fifteen listed buildings of high heritage significance have been identified as being potentially affected due to intervisibility and audio interaction with the site and associated infrastructure. Those most impacted are five buildings which have unobscured skyline views of the Logistics Park which may be altered as a result of the development. In addition, six buildings have obscured or partially obscured views of buildings and structures at the existing Logistics Park. The HIA concludes that as industrial elements within the existing views will not be substantially changed, the impacts are considered to be on the lower end of the scale of less than substantial harm.
- 13.5.6** The HIA identifies that the site is in Historic Landscape Unit 3 which is characterised as 'industrial'. As the development is industrial/commercial in nature, it is concluded that the proposed development will not materially change the historic landscape character of the site or area. On this basis, the permanent effect of development on the historic landscape is considered neutral.

13.5.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset or its setting, paragraph 208 of the NPPF (2023) makes it clear that this harm should be weighed against the public benefits of the proposal. LDO2 is promoted on the basis that any such harm is clearly outweighed by the considerable public benefits of the development which the LDO permits. These include economic benefits not only to the borough through the provision of substantial employment opportunities and spend in the local area as well as the regeneration of the remainder of the former oil refinery site, but also more widely through the association with the Port which has regional and national significance for the UK economy, forming an essential component of Thames Freeport.

13.5.8 The HIA sets out that, in the majority of cases, it is expected that construction activities undertaken within the parameters set out in LDO2 would not have a significant impact on archaeological sites as development will not involve ground disturbance that penetrates further than the depth of established made ground. It is noted that localised impacts (such as piling) may occur on undeveloped plots and should an archaeological feature be encountered, its importance could range from local to (at worst case) national significance in the unlikely event that a site of high importance is discovered.

13.5.9 It is noted that none of the plots developed to date have required archaeological mitigation. The CoCP will continue to ensure that an appropriate procedure is followed to protect archaeological resources and is supported by Place Services (Archaeology). As such, the proposal complies with local and national policy requirements.

13.6 D) Ecology and Nature Conservation

13.6.1 Policy CSTP19 of the adopted Local Plan seeks to secure measures to contribute to biodiversity in the borough through positive biodiversity management and improving key sites. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity. Paragraph 186(a) of the NPPF (2023) advises that where harm cannot be adequately mitigated or compensated then planning permission should be refused.

13.6.2 The majority of the Logistics Park has been cleared of ecological interest and species present on the site translocated to various receptor sites as the site has been developed.

13.6.3 As required by the Conservation of Habitats and Species Regulations 2017 (as amended), a Habitats Regulations Assessment (HRA) has been prepared to identify any likely significant effects the proposed development may have on internationally significant statutory designated sites of nature importance.

13.6.4 The following relevant sites are identified in the HRA located within 10km of the LDO2 boundary:

- Thames Estuary and Marshes SPA;
- Thames Estuary and Marshes Ramsar;
- Benfleet and Southend Marshes SPA; and
- Benfleet and Southend Marshes Ramsar.

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

13.6.6 The ecological features relevant to the HRA are wintering birds, invertebrates and scarce plants. Significant mitigation works have been undertaken as part of the Port and Logistics Park development. This includes habitat creation to benefit invertebrates in the London Gateway ecological mitigation areas, translocation of scarce plant species and the creation of a large area of mudflat habitat to benefit bird populations at Stanford Wharf Nature Reserve.

13.6.7 The EMMP, alongside measures included in the other compliance documents ensure the future protection of ecological features. Natural England confirm that they are satisfied with the proposed monitoring and mitigation measures presented in LDO2.

13.7 E) Flood Risk

13.7.1 Policies CSTP27 and PMD15 of the adopted Local Plan seek to ensure that flood risk is considered at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and wherever possible, to direct development towards areas at least risk of flooding.

13.7.2 The main risk of flooding to the site is from tidal flooding through a combination of high tide and storm surges. The site is located within Flood Zone 3a (High probability of flooding) which at this location represents land with greater than a 1 in 200 (0.5%) annual exceedance probability (AEP) of flooding in the absence of flood defences. The extent of Flood Zone 3a does not consider the presence of flood defence assets and therefore does not account for the significant flood defence provided by the adjacent port area to the south as well as the wider Thames Tidal Defences (TTD).

13.7.3 As identified on the Environment Agency (EA) mapping tool, the entirety of the site is located in an area with reduced flood risk due to the presence of flood defences. With the benefit of these defences, the flood risk at the facility is considered to be significantly lower than typically associated with Flood Zone 3a.

13.7.4 The Flood Risk Assessment (FRA) concludes that flood risks from fluvial, tidal, surface water, groundwater and artificial sources are low. It identifies the primary mitigating factors for flood risk as the existing flood defences

which are managed strategically across a wider area around the site, the raising of ground levels and FFLs, and the drainage strategy implemented across the site.

13.7.5 However, as the site is located in Flood Zone 3a, it is necessary to carry out a Sequential Test which aims to steer development to areas with the lowest probability of flooding. Paragraph 168 of the NPPF (2023) sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

13.7.6 Planning Practice Guidance (PPG) advises that there are instances where a Sequential Test is not required (Paragraph: 027 Reference ID: 7-027-20220825). This includes where:

‘The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).’

13.7.7 The Strategic Flood Risk Assessment (SFRA) Level 2 (Feb 2010) forms part of the evidence base for the adopted Local Plan. Table 4-1 in the document details the results of the Sequential Test which concludes no alternative sites were available for the Logistics Park. The site is identified for regeneration in the adopted Local Plan and this was subject to the test at the plan making stage. It is noted that flood risk classification for the site has not changed since the Sequential Test was carried out. As such, it is considered a Sequential Test is not now required.

13.7.8 Paragraph 169 in the NPPF (2023) sets out that if it is not possible for the development to be located in an area with a lower risk of flooding then the Exception Test may have to be applied. The need for the Exception Test is dependent on the potential vulnerability of the site and uses proposed.

13.7.9 Applying the ‘Flood Risk Vulnerability Classification’ as set out in Annex 3 of the NPPF (2023), the majority uses proposed at the Logistics Park are classified as “Less Vulnerable” which are appropriate to be located in Flood Zone 3a. The creche/nursery use is however classified as “More Vulnerable” which means there is a requirement to pass the Exception Test.

13.7.10 To satisfy the requirements of the Exception Test, a “More Vulnerable” land use within Flood Zone 3 must demonstrate that:

- development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and

- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

13.7.11 The creche/day nursery will be limited to children/dependents of employees of the London Gateway Logistics Park or Port providing wider sustainability benefits to the local community. In terms of safety, the development is at a low risk of flooding because of the TTD. The FRA demonstrates that the raised ground levels further ensure the development remains safe from flooding even in the event of a flood defence breach. On this basis, the requirements of the Exception Test are met.

13.7.12 The Environment Agency have raised no objection to the LDO but request a condition requiring ground floor levels no lower than 4.8 metres above Ordnance Datum (AOD). The CoCP includes an 'Existing and Proposed Site Levels Plan' indicating the proposed finished floor levels at the undeveloped plots to be a minimum of 4.8 metres AOD which would satisfy this requirement.

13.7.13 Drainage infrastructure exists in the form of a network of swales across the Park and a 3.1ha balancing pond (Carter's Bay Lagoon) and associated pumping station. The Lead Local Flood Authority (LLFA) are satisfied with surface water drainage requirements subject to minor updates to the Design Code which have now been incorporated.

13.7.14 For the reasons above, flood risk has been appropriately considered and mitigation secured to enable the completion of the regeneration of the site.

13.8 F) Other Matters

Noise

13.8.1 Policy PMD1 of the adopted Local Plan requires consideration to be given to the potential noise pollution from development. Road traffic noise has been assessed in the ES and it has been determined that the effects of changes in traffic noise during the construction period on any human receptor are not significant.

13.8.2 To inform the assessment of traffic noise during the operational stage of the development, a speed survey was undertaken as part of the TA on The Manorway between the A13/ The Manorway and The Sorrells junctions. The level of traffic generated by the scheme, combined with the speed of traffic, has resulted in the need for noise mitigation prior to occupation of 580,000m² of commercial floorspace on the Logistics Park. To achieve acceptable noise levels, it is proposed to implement measures to enforce the 50 mph speed limit. With the mitigation secured by the s106 agreement, no significant effects are expected to occur due to road traffic noise changes.

- 13.8.3** The effects of noise of an industrial nature arising from proposed development has been considered and restrictions on plant and mitigation have been including in the Design Code.

Sport England

- 13.8.4** Sport England made advisory comments regarding the proposed sports/recreation provision. The pitch is intended as an informal recreational facility and therefore the Sport England guidance goes beyond what is needed. The Design Code was developed having regard to Sport England Guidance and changes are not proposed.

13.9 G) Section 106

- 13.9.1** The Section 106 is to be an agreement between DPWLG (referenced as LG Companies), Thurrock Council and National Highways. A draft agreement has been shared with all parties.

- 13.9.2** The Heads of Terms (HoTs) are detailed in the 'London Gateway Logistics Park Draft Local Development Order 2: Heads of Terms for a s106 agreement relating to proposed LDO2 (September 2024)' appended to this report. They relate to:

Highway Improvements to Strategic Road Network:

- Mitigation works proposed to M25 Junction 30.

DPWLG Covenants:

- Mitigation works to Manorway Interchange (reasonable endeavours to enter in s278 agreement and agree trigger);
- Contribution for bus infrastructure in Stanford-le-Hope;
- Not prevent connections with Thames Enterprise Park;
- Contribution of £816,619.78 Thurrock Council for speed control measures on the Manorway between Sorrells and A13 interchange;
- Sum of £1,083,817.75 (paid in 2015) available for Thurrock Council to use as Highways Amenity Fund;
- Support for bus provision;
- Reasonable endeavours to deliver the Link Road.
- Implementation and compliance with Travel Plan;
- Continued implementation of any provisions of EMMP following expiry of LDO2;
- Implementation of Employment Learning & Skills- Social Value Framework; and
- Monitoring of traffic, compliance with Travel Plan, LDO monitoring information and EMMP (funded by DPWLG).

Thurrock Council Covenants:

- Reasonable endeavours to allocate and use Highways Amenity Fund;

- Reasonable endeavours to provide speed controls for The Manorway between Sorrels and A13 interchange before occupation threshold; and
- Repay monies not expended and committed at 10th anniversary of agreement.

National Highways Covenants:

- Anticipate covenants in relation to M25 Junction 30 implementation.

13.9.3 The contributions in the HoTs have been calculated based on estimated costs for the works.

13.9.4 The HoTs provided explanatory notes to highlight where discussions were ongoing. The current position following discussion between the parties regarding mitigation works to M25 Junction 30 is set out below:

- Entering into section 278 agreement to govern the carrying out of mitigation works within 12 months of LDO2 coming into force (or other timescales as the parties may agree).
- The trigger by which mitigation works must be commenced is first occupation of 200,000m² of commercial floorspace approved under LDO2 (unless revised trigger agreed between the parties)
- Requirement for mitigation at Junction 30 would be discharged if specific terms were met regarding the implementation of LTC.

14. ADDITIONAL DUTIES

14.1 Public Sector Equality Duty

14.1.1 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.

14.1.2 The Committee must be mindful of this duty inter alia when considering LDO2. 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.

14.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of LDO2 and no conflicts are raised.

14.2 Human Rights

14.2.1 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 of LDO2,.

15. CONCLUSION

15.1 LDO2 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 Assessment and Heritage Impact Assessment.

15.2 LDO2 will continue to help accelerate the delivery of appropriate development on the remainder of the Logistics Park, promoting economic, social and 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.

16. RECOMMENDATION

16.1 That the Chief Planning Officer be authorised to make LDO2 subject to the signing of the s106 legal agreement. The Heads of Terms are provided in the appendices to the report.

17. APPENDICIES TO THE REPORT

- 17.1**
- Statutory Consultee Final Comments.
 - London Gateway Logistics Park Local Development Order 2: Statement of Reasons (December 2024).
 - Local Development Order 2 (December 2024).
 - Appendix 1: London Gateway Logistics Park Local Development Order 2: Local Development Order Boundary (December 2024).
 - Appendix 2: London Gateway Logistics Park Local Development Order 2: Code of Construction Practice (December 2024).
 - Appendix 3: London Gateway Logistics Park Local Development Order 2: Design Code (December 2024).
 - Appendix 4: London Gateway Logistics Park Local Development Order 2: Ecological Mitigation and Management Plan (EMMP) (December 2024).

- Appendix 5: London Gateway Logistics Park Local Development Order 5: Prior Notification of Development Forms (December 2024).
- Appendix 6: London Gateway Logistics Park Local Development Order 2: Non-Material and Minor Material Amendment Notification Form (December 2024).
- London Gateway Logistics Park Local Development Order 2: Travel Plan (December 2024) (to be secured through the s106)
- London Gateway Logistics Park Draft Local Development Order 2: Heads of Terms for a s106 agreement relating to proposed LDO2 (September 2024).